

transactions given in the Fifth Schedule viz. for the sale of: intoxicants; meals or refreshments (except fried fish and chips at a fried fish and chips shop); newly cooked provisions; sweets, confectionery and ice cream; flowers, fruit and vegetables (not tinned or bottled); milk and cream (not tinned); medicines, etc., at duly registered premises; motor, cycle or aircraft accessories; tobacco and smokers' requisites; newspapers and magazines; books and stationery at main railway and omnibus book stalls; guide books, postcards, etc., at museums, parks and in vessels; photos for passports; sports requisites at sports places; fodder for horses, etc., at any farm, inn, etc. Also for post office business and funeral undertaker's business.

S. 48: The local authority may make partial exemption orders for limited opening of shops for the sale of bread and flour, on Sunday.

S. 49: The local authority has power to order the closing on Sunday of shops open for the purpose of sale of meals or refreshments for consumption off the premises.

S. 51: The local authority may provide, by order, for the opening of shops selling bathing or fishing requisites, photo requisites, toys, etc., books, etc., food (Seventh Schedule) at holiday resorts on Sunday.

S. 53: Jewish shops, if duly registered, may be open, on conditions, up to 2 p.m. on Sunday, if they are closed on Saturday.

S. 54: In London a local authority may, by order, allow the opening on Sunday up to 2 p.m., on conditions, of certain street markets and district shops.

S. 55: Goods sold retail shall not be delivered from a shop at any time when it would not be lawful to serve the customer in the shop, but this will not apply on a Sunday which is Christmas Day or is followed by Christmas Day on the Monday.

S. 56: This Sunday trading prohibition shall not prevent the supply of necessities to a ship or aircraft on arrival or departure; the supply of goods to a club for the club; the cooking on Sunday before 1.30 p.m. of food for a customer; the supply of goods required in the case of illness.

A barber or hairdresser may at any time attend infirm persons or persons resident in a hotel or club, for the purposes of his business. Home handicraft workers may get certificates of exemption from this prohibition which also does not apply to

S. 58: This Part IV applies to any place where any retail trade or business is carried on as if that place were a shop, but this does not affect the sale by fishermen of freshly caught fish and the sale of produce at a farm, allotment or similar place.

S. 59: Sunday trade or business carried on under the provisions of this Act shall not be deemed to be an offence against the Sunday Observance Acts.

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for H.M. Forces or for ships on arrival or departure; also business at post offices, all these during closing hours.

S.4: A local authority may fix 10 p.m. on the late day or 9.30 p.m. on any other week day for closing hours for sale of tobacco, etc.

S. 6: For sale of table waters, confectionery or ice cream the late day hour may be 10 p.m. and 9.30 p.m. on any other day of the week.

Local Authorities may make " closing orders " not earlier than 7 p.m. as to the hours of all shops or shops of a specified class

By s. 12 it shall not be lawful to carry on in any place, not being a shop, retail trade or business of any class at a time when it would be unlawful to keep a shop open for retail trade or business of that class. This does not apply to a barber attending a customer at customer's residence, nor to an auction of private effects in a dwelling house, nor to the sale of newspapers.

S. 13 deals with shops in which several trades or businesses are carried on.

S. 14 gives the penalties for offences under the above Part I (ss. 1-16) of the Act.

" Local authority " in the Act means the Common Council of the City of London, the Council of a municipal borough, the District Council of any urban district with a population of 20,000 or more, and elsewhere the County Council (s. 73).

Part II (ss. 17-39) of the Act deals with the conditions of employment in shops, including such subjects as half holidays (ss. 17, 18); meal times (ss. 19, 20); special arrangements re shop assistants in premises for the sale of refreshments (*a.* 21); Sunday employment (ss. 22, 23); hours of employment of young persons

ment (s. 31) and health and comfort of shop workers (ss. 37, 38).

Part III deals with modifications in special cases such as the suspension of the weekly half holiday and alteration of closing hours in holiday resorts, the alteration of closing hours and closing orders for exhibitions or shows or on special occasions such as Christmas (ss. 40-43).

S. 44 exempts premises where post office business is transacted from Part I and ss. 17-20 of the Act.

S. 45 exempts lending libraries not for private profit; clubs or institutions not for gain and fairs or bazaars or sales of work for charitable or non-private profit purposes from Part I and ss. 17-21 and 37 of the Act.

S. 46 exempts libraries for educational or recreation purposes from Parts I and II of the Act on given conditions.

Part IV (ss. 47-67) deals with Sunday trading.

S. 47. Every shop shall be closed for the serving of customers on Sunday save as otherwise provided in the Act, and except when open for serving of customers for the purpose of the

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their business on Sunday, but unless allowed under the following provisions of the Act, it shall not be lawful for any person to cany on the business of a retail dealer in butcher's meat on Sunday and

S. 62: Jewish retail dealers in Kosher meat may open shop on Sunday and serve customers with such meat provided that they are licensed by the local Jewish Committee, close their shops on Saturday, and notify the local authority. (Kosher meat means butcher's meat killed and prepared by the Jewish ritual method (s. 74).)

shop is lawfully open for customers, but this does not apply when Sunday is Christmas Day or the day before Christmas Day.

S. 65: Butcher's meat may be sold and delivered at any time for a ship or aircraft on its arrival or departure.

" Butcher's meat " means beef, mutton, veal, lamb or pork (including livers, etc.) whether fresh, chilled, frozen or salted

hairdressers in Scotland.

Act and to take any necessary proceedings through its appointed inspector.

Trading Representations (Disabled Persons) Act 1958.
This Act provides for the registration of persons who sell or solicit orders for their goods by representations that disabled persons are employed in making or packaging the goods or benefit from their sale.

It is an offence punishable by fine up to £100, or up to 3 months' imprisonment, or both, in selling or soliciting orders for goods, for any representation that blind or otherwise disabled persons, (a) are employed in the production, preparation or packing of the goods or (6) benefit (other than as users) from the sale of the goods,

Chapter XXXIII

EXPLOSIVES

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Explosives Offences. The manufacture and keeping of gunpowder and other explosives is governed by the Explosives Acts, 1875, 1923, and Emergency Laws (Misc. Provisions) Act, 1953.

to obtain possession of gunpowder or safety fuse requires a licence from the chief officer of police, except in some exempted cases.

" Explosive " includes every substance used or made to produce a practical effect by explosion or a pyrotechnic effect; for example, gunpowder, dynamite, fulminate, fog signals, fireworks, cartridges, etc., etc.

These Acts and the Orders in Council made thereunder deal with the licences, supervision and safety requirements necessary for such dangerous substances. See the official " Guide to the Explosives Acts ".

The following statutes deal with offences in connection with explosives.

Explosive Substances Act, 1883. This statute gives power to

to use for unlawful objects, and creates the following five felonies:

(1) Unlawfully and maliciously causing by an explosive substance an explosion of a nature likely to endanger life or cause serious injury to property whether such injury is caused or not (s. 2).

(2) Unlawfully and maliciously doing any act with intent to cause, or conspiring to cause, such an explosion in the United Kingdom, whether such explosion takes place or not (s. 3 (a)).

(3) Unlawfully and maliciously making or having in possession or under control any explosive substance with intent by means thereof to endanger life or cause serious injury to

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REGULATIONS

property in the United Kingdom or enable others by means thereof to do so, whether an explosion takes place or not (s. 3 (6)).

(4) Making or knowingly having in possession or under control any explosive substance under such circumstances as to give rise to a reasonable suspicion that it is not for a lawful object, unless the contrary is proved (s. 4).

(5) Being accessory to the commission of any crime under this Act by in any manner whatsoever procuring, aiding, abetting or counselling its commission (s. 5).

Any person within or (being a subject of Her Majesty) without H.M. dominions may be liable under this Act.

¹A person may be arrested for an offence against the Act and brought before a Justice and remanded, but no further proceedings may be taken without the consent of the Attorney-General (s. 7).

On reasonable ground for believing that such a crime has been committed the Attorney-General may order a special inquiry by a Justice, who can examine witnesses on oath although no person is charged with the commission of the crime. Such witnesses must answer all questions put to them, but they are protected against the consequences of incriminating replies.

" Maliciously " under this Act means wilfully and not by accident, and " explosive substance " includes any materials for making any explosive, also any apparatus or part of apparatus used or intended to be used or adapted for causing any explosion.

A search warrant may be obtained in the same manner as a search warrant under the Explosives Act, 1875 (s. 73). See " Search Warrant ", Chap. 5.

Offences against the Person Act, 1861:

(1) Causing grievous bodily harm, disfiguring, etc., by unlawful and malicious explosion of any explosive substance. F. (S. 28.)

(2) Using explosives, corrosives, etc., in any manner with intent to cause grievous bodily harm, disfigurement, etc., whether bodily injury be effected or not. F. (S. 29.)

(3) Placing explosives near buildings or ships with intent to do bodily injury to any person, whether explosion or bodily injury be effected or not. F. (S. 30.)

(4) Damaging any building by explosive substance with intent to commit murder. F. (S. 31.)

(5) Knowingly having in possession or making any gun powder, explosive substance, machine, etc., with intent by means thereof to commit any of the felonies in the Act. M. (S. 64.)

A Justice, on reasonable cause on oath, may issue his warrant to search in the day-time any house, carriage, vessel, place, etc., in which it is suspected any explosive substance is made, kept

or carried for the purpose of committing any of these felonies (s. 65). See " Search Warrant, 1861 Act " Chap. 9.

Malicious Damage Act, 1861:

(1) Attempting to destroy or damage, by explosion of any explosive substance, any dwelling-house, any person being therein, or any building, whereby any person's life shall be endangered. F. (S. 9.)

(2) Putting any explosive substance in or near any building with intent to destroy or damage any building or anything therein, whether or not any explosion takes place or damage

(3) Putting any explosive substance in or near any ship or vessel with intent to destroy or damage any ship or vessel or any machinery or goods, whether or not any explosion takes place or injury be caused. F. (S. 45.)

(4) substance or any dangerous thing or any machine, instrument, etc., with intent thereby to commit or to enable another to commit any of the felonies in the Act. M. (S. 54.)

A Justice, under s. 55, may grant a similar search warrant in connection with above offences.

(1) Gunpowder is not to be made or kept except on licensed (or registered) premises (ss. 4, 5).

(2) Exposure or sale of gunpowder upon any street or public place. Offence, 40s. fine. (S. 30.)

(3) Sale of gunpowder to child under thirteen years of age. Offence, £5 fine. (S. 31.)

(4) Exposure for sale, of gunpowder over 1 lb. in weight, without it being contained in a substantial receptacle and

(5) Throwing or firing fireworks on a street or public place. Offence, £5 fine. (S. 80.) See also " Highway Act" and

(6) Subject to various modifications given in the Act, the provisions as to gunpowder are to apply to every other explosive (s. 39).

The Fireworks Act, 1951 allows the destruction of fireworks which may be dangerous when in the possession of the public (s. 1). Fireworks must bear the address of the factory where made and the name of its occupier, except those weighing less than one

and any prescribed in regulations (s. 5).

The Keeping of Fireworks Order 1959, provides that the weights of fireworks which may be kept on registered premises shall not exceed: 2,000 lbs., if kept in a specially constructed storage

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place or 500 lbs. elsewhere in a closed receptacle. The quantity which may be kept in the part of premises to which the public have access is 100 lbs.

Petroleum. The Petroleum (Consolidation) Act, 1928, has

interests of public safety, regulates the safe keeping of petroleum spirit (commonly known as petrol), and offences against it may be

The term " petroleum " includes crude petroleum, oil made from petroleum, or from coal, shale, peat or other bituminous sub-

spirit" means such petroleum as when tested in the manner set forth in the Act gives off an inflammable vapour at a temperature

Thus " petroleum spirit " will include petrol, naphtha, benzine and such like highly inflammable bituminous liquids, and certain mixtures of petroleum with other substances, such as quick-drying varnishes.

Where any petroleum spirit is kept at any place, or is being sent or conveyed between any two places in Great Britain, or is sold or

that is impracticable, displayed near, the vessel containing it, a label showing in conspicuous characters the words " Petroleum Spirit " and the words " Highly Inflammable ", and the name and address of the owner, sender, or vendor.

seven days after its importation into this country, nor when carried on any motor vehicle, ship, or aircraft, and intended to

Penalty, £5 fine and forfeiture of the petroleum spirit (s. 5).

Petroleum spirit shall not be kept except under a petroleum spirit licence granted by the Local Authority, save only in the following cases: -

(1) Petroleum spirit kept for private use or sale, which is kept in separate glass, earthenware or metal vessels, securely stopped and containing not more than one pint each, the total

(2) Petroleum spirit kept for use in motor vehicles, motor boats, aircraft or specified engines, in accordance with any regulations made by the Secretary of State (see later).

The occupier of any premises in which petroleum spirit is kept in contravention of this section is liable to fine. Any holder of a petroleum spirit licence who contravenes any condition of his licence is liable to fine (s. 1).

The Local Authority for the granting of licences is the County, City or District Council or the harbour authority, and they may

attach to any licence such conditions as they may consider expedient as to the safe keeping of petroleum spirit. Such licences may be transferred.

The occupier of a licensed premises must keep posted on the premises a notice setting out the conditions of his licence which have to be observed by his employees, viz. those conditions directing the precautions to be observed against the risk of fire or explosion. It is an offence not to have such a notice posted up, or to pull down or damage any such notice, or to contravene any of the conditions set out in such notice (*a. 2*).

Ships carrying petroleum spirit as cargo, on entering a harbour must give notice of such cargo to the harbour authority (ss. 7 and 8).

Any of the provisions of this Act may be applied, by Order in Council, to any substance (s. 19). The Act, with slight modifications, is applied by the Petroleum (Mixtures) Order, 1929, to all mixtures (whether liquid, viscous or solid) of petroleum with any other substances, except mixtures which when tested do not give off an inflammable vapour at a temperature below 73 degrees Fahrenheit.

When loss of life or personal injury occurs by explosion or fire in which petroleum spirit is involved and in or about or in connection with any premises licensed under these Acts, the occupier must forthwith send notice of the matter to the Secretary of State, Home Office, London. If such notice is sent, the inspector of factories need not be notified. If a similar accident occurs in connection with any carriage, ship or boat conveying petroleum spirit or on or from which petroleum spirit is being loaded or unloaded, the owner or master of the carriage, ship or boat must send notice to the Secretary of State, except in cases where the petroleum spirit was for use only on that carriage, ship or boat, or in cases where notice has by law to be sent to some other Government department (s. 13).

The Secretary of State may direct an inquiry to be made by a Government inspector into the cause of any such accident, and if death has been caused the coroner's inquest shall be adjourned to allow of the presence of a Government inspector to watch the proceedings. A Government inspector has full power of entry, examination, etc., when engaged in carrying out any duty under this Act (ss. 14 and 15).

A Government inspector under the Explosives Acts has power to enter, inspect and examine premises licensed under this Act and premises in which petroleum spirit is or may be kept in contravention of the Act or Regulations (s. 16).

Any officer authorised in writing by the Local Authority may require any person who deals in petroleum or who keeps petroleum for the purposes of any trade or industry, to show him every place and vessel in which his petroleum is kept and to give him samples of such petroleum on payment. He may also test such

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samples on giving such person due notice in writing. Any refusal or wilful obstruction is a summary offence (s. 17).

A Magistrates' Court may give a warrant authorising entry and search for petroleum spirit kept, sent, conveyed, or exposed for sale in contravention of the Act (s. 18).

Petroleum Spirit (Motor Vehicles, etc.) Regulations, 1929. A licence from the Local Authority is necessary before petroleum spirit (petrol, etc.) may be kept for sale, but petrol for use in motor vehicles, motor boats, aircraft, engines used for propelling agricultural implements, stationary engines kept for domestic or agricultural purposes and generating power, heat

with the making or repair of roads, and which is not kept either wholly or partly for sale, may be kept without licence provided these regulations are observed. These regulations are to the following effect:

(1) Every storage place for keeping petroleum spirit must be ventilated and have an entrance to the open air. Means of extinguishing fire must be kept there. If attached to a dwelling house or a building where persons assemble it must be separated therefrom by a substantial and not readily inflammable floor or partition. If the spirit is kept in not more than 2 vessels of capacity not exceeding 2 gallons each, there may be an opening in such partition (not in a floor) if it is fitted with a self-closing and fire-resisting door (Reg. 5).

(2) The spirit must be kept in strong and sound metal vessels, indelibly marked "Petroleum Spirit Highly Inflammable" (Regs. 2 to 4). Any fire, etc., must not be near it and it must not be exposed near any fire, etc. (Regs. 9 and 10).

It must not be allowed to run into any sewer or sewer drain (Reg. 12 and s. 27, Public Health Act, 1936). It must not be used in a storage place except as fuel for any such engine kept therein. However, one gill may be used for cleaning or repair work, and it may be used as fuel for any properly constructed lighting or heating apparatus therein (Reg. 11).

(3) Not more than 60 gallons may be kept in any one storage place (Reg. 6).

(4) The spirit must not be kept in any vessel holding more than 2 gallons unless:

(1) the storage place is over 20 feet from any building or highway;

(2) provision is made to prevent the spirit flowing out of the storage place; and

(3) notice is given in writing to the Local Authority previously and every January following (Reg. 7).

(5) The spirit shall not be kept in any place within 20 feet of a building or inflammable substance otherwise than in the fuel

tank of *a.* motor vehicle, engine or aircraft and in not more than 2 vessels of capacity not exceeding 2 gallons each, unless notice is given each January to the local authority (Reg. 8).

(6) Additional restrictions apply as regards engines used for making or repairing roads, such as notice to Local Authority, 30 gallons limit, vessels must not exceed 2 gallons capacity and must be kept in an iron locker which must be safely situated

Petrol Pumps. Any instrument used in trade for measuring liquid fuel or lubricating oil for sale in individual quantities not exceeding 20 gallons, other than a simple independent measure to which the Weights and Measures Acts apply, must be stamped and regularly tested.

Any flexible discharge hose should not exceed 12 feet in length (Measuring Instruments (Liquid Fuel and Lubricating Oil) Regs., 1929).

Petroleum Spirit (Conveyance by Road) Regulations, 1957, provide for the safe conveyance of petroleum spirit by road, but do not apply to its conveyance on any vehicle for use in the propulsion of that vehicle. Reg. 19 prohibits the carrying of vessels containing petroleum spirit on tank wagons or tank trailers, but not in composite vehicles.

They also do not apply to the conveyance on a vehicle of petroleum spirit not exceeding 32 gallons in closed containers holding not more than 2 gallons or in closed metal drums holding not more than 10 gallons, or not exceeding 50 gallons in a single closed steel barrel, but this exception does not apply to tank wagons, tank trailers, public service vehicles and vehicles hawking petroleum spirit (Reg. 12).

Any vehicle used for conveying petroleum spirit shall be strongly constructed and in compliance with the directions of the Regulations (Reg. 22 and Schedule).

A trailer carrying petroleum spirit shall not be drawn by

(1) Any vehicle other than a motor tractor or a petroleum conveying vehicle, and only one such trailer may be drawn.

(2) A motor tractor unless the exhaust system is in front of the prescribed fire-resisting shield and unless any electric lighting is as prescribed.

(3) A vehicle conveying petroleum other than petroleum spirit unless the vehicle complies with the provisions applying to petroleum spirit conveying vehicles and unless the total amount of petroleum and petroleum spirit conveyed does not exceed 2500 gallons (Reg. 8).

Every vehicle conveying petroleum spirit by road shall be constantly attended by at least one person over 18 years of age, except when halted in an approved place. The driver may be

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regarded as a person whilst in, or in close proximity to, the

Persons engaged in loading, unloading or conveying petroleum spirit shall observe all precautions necessary for preventing fire or explosion (Reg. 2).

A person on or attending a vehicle conveying petroleum spirit shall not smoke nor carry matches or lighters (Reg. 4).

nor explosive substance nor anything capable of causing fire or explosion shall be allowed or carried on any vehicle conveying petroleum spirit (Reg. 5), and an efficient extinguisher shall be carried on every such vehicle (Reg. 6). Care must be taken to prevent the escape of petroleum spirit into any drain or

Petroleum spirit shall not be supplied direct from a vehicle carrying it in bulk to any mechanically propelled vehicle (Reg. 9).

The owner of a vehicle used for conveyance of petroleum spirit is responsible for providing a copy of these Regulations for his employees and shall ensure they know and carry out their

Tank Wagons and Tank Trailers. The filling pipe shall be

dipping pipe shall be kept securely closed except when filling or emptying the tank or testing the petroleum-spirit contained in the tank on premises licensed for the purpose (Reg. 14). When filling or emptying the tank, a competent person not under 18 years of age shall be in constant attendance, the engine of the vehicle shall be stopped until all tanks are closed (if horse drawn, the horses shall be removed and the wheels scotched), a dangerous static charge of electricity shall be prevented, the delivery piping or hose shall be sound, and it must be ascertained that the tank will hold the quantity to be delivered (Reg. 15). For delivery into a storage tank see Reg. 16.

Such a vehicle shall not draw a trailer unless it is a tank trailer, and if its capacity exceeds 1,500 gallons, it shall not draw a trailer (Reg. 18).

If the conveying vehicle is not a tank wagon or tank trailer, the petroleum spirit shall be in a vessel either of metal, or of glass, earthenware or material of such a nature that it will not permit leakage. If of metal it must be in good condition and not exceeding fifty gallons capacity, or ninety gallons if it contains a mixture with a content of not more than seventy-five per cent of petroleum

contain
not more than one pint of petroleum spirit and shall be packed in sawdust or other suitable material to prevent movement in an outer container of metal, wood or fibre which must be kept securely closed during conveyance, and the outer container

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declares that acetylene contained in a suitable porous substance and in metal cylinders properly made, tested and labelled will not be deemed an explosive.

Celluloid and Cinematograph Film. The Celluloid and Cinematograph Film Act, 1922, is intended to lessen the risk incurred by the storing of such an inflammable substance as celluloid.

The Act applies to the keeping or storing of

Raw Celluloid in quantities of over 1 cwt. or in smaller quantities unless kept in a properly closed metal case.

" Celluloid " includes xylonite and other similar substances containing nitrated cellulose or other nitrated products, but does not include explosives under the Explosives Act, 1875, and " raw celluloid " means celluloid which has not been subjected to any process of manufacture, and celluloid scrap or waste.

(2) Cinematograph Film, in quantities over twenty reels or 80 lb. in weight or in smaller quantities unless each reel is kept in a properly closed metal case.

" Cinematograph film " means any film containing celluloid and intended for use in a cinematograph or similar apparatus.

A temporary deposit in premises of cinematograph film for the purposes of examination, repair, etc., is a " keeping ", but a temporary deposit of celluloid or cinematograph film in premises during the course of delivery, conveyance, or transport, will not be a " keeping " under the Act (ss. 2 and 9).

The following must not be used for such keeping or storing:

(1) Premises situated underneath premises used for residential

(2) Premises so situated that a fire occurring therein might interfere with the means of escape from the building or any adjoining building.

(3) Premises forming part of a building, unless separated from the building by fire-resisting partitions, or so situated

and constructed that a fire therein is not likely to spread to the building and the Local Authority has given its sanction (*a. I*).

Before any premises may be used for such keeping or storing, the occupier must furnish the Local Authority (County, County Borough, Urban. District or Rural Council) with a written statement of his name, the address of the premises and the nature of the business there carried on (s. 1 (a)), and must pay the prescribed annual fee (s. 4).

Conditions which must be observed in respect to such premises:

(1) Such means of escape in the case of fire as the Local Authority may reasonably require must be provided and properly maintained.

(2) The safety regulations in the 1st Schedule of the Act must be duly observed. (Such as, no open fire or light, no smoking or matches, fire extinguishers, etc.).

(3) Any regulations made by the Secretary of State must be duly observed (s. 1).

An officer duly authorised by the Local Authority may at all reasonable times enter premises used or reasonably believed to be used for such keeping or storing. He may take samples for analysis, and it is an offence for any person to refuse entry to, or to hinder or obstruct, or to refuse samples (ss. 5, 6 and 7).

Any contravention of the Act is a summary offence. An employee who contravenes any of the safety and other regulations made under the Act will also be guilty of a summary offence (s. 3).

The Act does not apply to:

(1) Premises licensed under the Cinematograph Act, 1909.

(2) Premises to which the Factories Act, 1961 applies except in the cases mentioned in s. 1 (as given above) in which certain premises must not be used for such keeping and storing (s. 2).

The Cinematograph Film Stripping Regulations, 1939, apply to premises in which the stripping (removal of emulsion from) and drying of cinematograph film is done and which are supervised by the Inspectors of Factories.

Carbon Bisulphide. This is a highly inflammable liquid. It must be conveyed in steel or iron containers each holding not more than 50 gallons, or in bottles each holding not more than 5 pints packed separately in wooden cases, each case containing not more than 3 gallons of it, or in mechanically driven tank wagons securely closed and without trailers. All must be marked " Carbon Disulphide Highly Inflammable ". No fire, etc., is allowable on the vehicle and attendants thereon must not smoke. Means of extinguishing fire must be carried. These rules will not apply When less than 28 lb. of the liquid is carried on a vehicle and if the weight of the liquid in any single container other than a metal one does not exceed 7 lb. (ss. 6, 19, Petroleum Consolidation Act, 1928 and Carbon Disulphide (Conveyance by Road) Regs. 1958 and 1962).

Gas Cylinders' Conveyance:

The Gas Cylinders (Conveyance) Regulations, 1931, 1947 and 1959, direct that, when conveyed by road, vessels containing any of the following gases in a compressed state air, argon, carbon monoxide, coal gas, hydrogen, methane, neon, nitrogen and

Such vessels shall also have been tested in the prescribed manner within the preceding five years, and they shall be marked with the date of the last test, the name and address of the firm by whom compressed and the name of the gas contained.

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They shall be painted (near the valve) with the identification colour prescribed for each gas (*e.g.* oxygen, black).

They shall be properly secured so as not to project beyond the sides or ends of the vehicle, unless they are securely attached to a

The Regulations do not apply to cylinders whose capacity does not exceed 12 lbs. of water.

The Compressed Gas Cylinders (Fuel for Motor Vehicles) Conveyance Regulations, 1940, provide for the conveyance by road of cylinders containing compressed coal gas, carbon monoxide, hydrogen or methane, and which are fitted to motor vehicles solely for the storage of gaseous fuel under pressure for the propulsion of the vehicle.

Such cylinders shall be made of forged steel or brass or bronze, constructed and tested as prescribed in the Regulations. They shall also have been tested within the preceding two years, and shall bear the date of the test. They shall be marked with the words " For gas propulsion only, working pressure-----lbs. per square inch ", and with the water capacity in cubic feet.

A table shall be affixed to the vehicle giving the date of last test, the date of manufacture, the water capacity and the manufacturer's mark and number, of each cylinder.

The Gas Cylinders (Conveyance) Regulations (as above) do not apply to such cylinders.

See also " Gas Propelled Vehicles ", Appendix II.

Chapter XXXIV

FIREARMS

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Firearms Act, 1937. This 1937 Act applies to Great Britain. However, certain provisions of the Act (such as "firearm certificate" and "registered" definitions), affect Northern Ireland, which has its own Firearms Act.

"Firearm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon (see later), any component part of any such lethal or prohibited weapon, and any accessory to such weapon to diminish noise or flash (s. 32). However, the provisions of Part I (ss. 1-16) of the Act (purchase, possession, transfer, manufacture, repair and sale) do *not* apply to a smooth bore gun with barrel not less than 20 inches long, nor to an airgun, air rifle or air pistol not declared by the Secretary of State to be specially dangerous (s. 16). Such shot-guns, airguns, etc., may therefore be purchased, kept and sold without firearm certificates.

A lethal weapon would appear to be one which could kill or injure. (See *Moore v. Gooderham* (1960)). A dummy revolver (with solid barrel) was held to be part of a firearm. (See *Cafferaia v. Wilson* (1936)).

"Ammunition" means ammunition for any firearm and includes grenades, bombs and other like missiles whether capable of use with such a firearm or not, and prohibited ammunition (s. 32).

However, Part I of the Act does not apply to cartridges containing 5 or more shot none exceeding 9/25ths of an inch in diameter, to ammunition for an airgun, air-rifle or air-pistol, nor to blank cartridges not exceeding one inch in diameter (s. 16).

Part I of the Act does not relieve any person using or carrying a firearm from the obligation of having a gun licence or a game

Part II contains miscellaneous provisions as to firearms and ammunition, ss. 17-24.

Firearm Certificate. Part I, s. 1 (1): No person shall purchase, acquire or have in possession any firearm or ammunition to which Part I applies, unless he holds a firearm certificate

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authorising same, in force at the time, or is exempted under the Act. Contravention will be a summary offence.

S. 2: Application for a certificate shall be made in the prescribed form to the Chief Officer of Police of the area in which the

be permitted to have same without danger to the public safety or to the peace. A certificate shall not be granted to a person prohibited by the Act from possessing such firearm (see later) or who is of intemperate habits or of unsound mind or for any reason is unfitted to be entrusted with same.

which it is held, the nature and number of the firearms and the quantity of ammunition to be purchased and to be held at any one time. Breach of a condition will be a summary offence (s. 1).

The certificate, unless revoked or cancelled, lasts for three years and is renewable for a further three years by the Chief Officer of Police for the area in which the holder resides, and so from time to time.

The Chief Officer may by notice in writing vary any condition of the certificate to be delivered to him for amendment. A certificate may be varied, on application by the holder.

The Chief Officer of Police of the area may revoke a certificate or his certificate for variation. If revoked the holder must, on notice, return the certificate within twenty-one days from date of

There is an appeal to Quarter Sessions if a Chief Officer refuses to grant or vary or renew a certificate or has revoked it.

procuring of the grant, variation or renewal of a firearm certificate will commit a summary offence.

renewal or variation increasing the number of firearms held or

No fee is payable by a rifle club, miniature rifle club or approved cadet corps for a certificate for firearms, etc., to be used solely for target practice or drill, or for a certificate with respect to the equipment of a ship, aircraft signalling apparatus, slaughtering instrument and trophy of war not to be used as a firearm (s. 3).

S. 4 (as amended by the Air Guns and Shot Guns etc. Act, 1962). The following persons are exempt from holding a firearm certificate:

- (1) A registered firearms dealer (or his servant) in the ordinary course of that business.
- (2) An auctioneer, carrier or warehouseman (or his servant) in the ordinary course of that business.
- (3) A licensed slaughterman, having a slaughtering instrument in house or yard in which employed.

(4) The proprietor of a slaughterhouse or knacker's yard (or his servant) having custody of same at the house or yard.

(5) A person having firearms, etc., on a ship as part of its equipment. He can get police permit to remove same.

(6) A person having signalling apparatus on an aircraft or in an aerodrome as equipment, or removing same to or from an aircraft at an aerodrome. He can get police permit to move same.

(7) A person carrying a firearm, etc., for sporting purposes only, for another person who holds a certificate.

(8) A member of a rifle club or miniature rifle club or approved cadet corps, when engaged as such a member in or in connection with drill or target practice.

(9) A person carrying on a miniature rifle range or shooting gallery with air guns, air rifles, or air pistols not declared by the Secretary of State to be especially dangerous, or with rifles not exceeding .23 calibre, and any person using them in such

(10) A person in a theatrical performance or rehearsal or in producing a cinematograph film during the performance.

(11) Any person at an athletic meeting for starting races.

(12) A person who holds a permit in the prescribed form from the Chief Officer of Police of his area, in accordance with the terms of the permit.

A person making any statement which he knows to be false, for the purpose of obtaining such police permit will commit a summary offence.

S. 5: Persons in the service of Her Majesty (including police, s. 28) in their capacity as such need not have a certificate to enable them to have possession of firearms and ammunition, but must have one to purchase and acquire same, unless duly authorised in writing to acquire same for the public service.

A person in the naval, military or air service of Her Majesty, on application on the prescribed form, satisfying the police that he is required to acquire a firearm or ammunition for his own use in his capacity as such, is entitled to a free firearm certificate authorising him to purchase or acquire same.

Firearms Dealers. S. 7: No person shall, by way of trade or business, manufacture, sell, transfer, repair, test or prove; or expose for sale or transfer; or have in his possession for sale, transfer, repair, test or proof, any firearm or ammunition to which Part I of the Act applies (see above) unless he is registered as a firearms dealer. Provided that an auctioneer may have and sell by auction any such firearm or ammunition, if he has a police permit for the purpose. Contravention of this section or the making of a knowingly false statement to obtain such a permit will be a summary offence.

S. 8: The Chief Officer of Police shall keep a register of firearms dealers in his area. He shall register on application as

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prescribed from a person carrying on such business in his area, but shall not register an applicant prohibited by order of a Court, and need not register an applicant if satisfied he has ceased this business or that he cannot be permitted to carry on such business without danger to the public safety or to the peace.

For the latter two reasons he shall remove a dealer's name from the register after giving him reasonable notice.

The fee is five pounds. There is a right of appeal to Quarter Sessions against the refusal or revocation of registration.

Making a knowingly false statement to obtain registration will be a summary offence.

registration, which shall be surrendered on or before 1st June in each year or on notice that registration has been revoked. A renewal may be granted on application and payment of a fee of one pound.

If the dealer does not apply before 1 June he shall be given notice, and if he then does not apply within twenty-one days his name shall be removed from the register.

S. 10: A registered dealer shall give particulars of every place within the police area at which he carried on or proposes to carry on the business of firearms dealer, and every such place shall be entered in the register. The Chief Officer of Police may refuse to enter any particular place in his register and he may remove a place from his register, if satisfied that such business cannot be carried on there without danger to the public safety or to the peace. A person aggrieved by such action may appeal to Quarter Sessions.

To carry on such business at a place not in the register or to knowingly make any false statement to procure entry of any place in the register will be a summary offence.

Transfer and Repair of Firearms. S. 11: No firearm or ammunition to which Part I of the Act applies shall be:

(1) Sold or transferred, except to a registered firearms dealer or to a person producing a certificate authorising him to acquire it or who shows he is entitled under the Act to acquire it without holding such firearm certificate. This provision shall

not prevent a transfer to a person entitled under the Act to have possession without holding a certificate if the transfer is

delivery by a carrier or warehouseman in the ordinary course of

(2) Sold, let on hire, given or lent by any person (except it is to a registered firearms dealer or to a person entitled to ac

complies with any instructions contained in the firearm certificate produced, and in the case of a firearm gives notice within 48 hours" by registered post to the Chief Officer of Police by whom the certificate was issued.

(3) Repaired, tested or proved for any person (except for a registered firearms dealer as such) unless such person produces a certificate authorising him to have possession of same or shows that he is entitled under the Act to have possession of it without holding a certificate. Contravention of above or producing a false certificate or personating the holder of a certificate or making any false statement in connection therewith will be a summary offence.

S. 12: Every person who by way of trade or business manufactures, sells, or transfers firearms or ammunition to which Part I of the Act applies, shall provide and keep a register of transactions and make the entries therein prescribed by Schedule 2, within 24 hours after each transaction. Any police officer, duly authorised in writing by the Chief Officer of Police, shall be allowed on demand to enter the premises of such a person and inspect all stock in hand. Such person on request shall produce his register of transactions for inspection by any police officer duly authorised, by an officer of customs and excise, or by an officer of the county council duly authorised in writing.

Above does not apply to any sale by auction under police permit. Failure to comply with above or knowingly making any false entry in the register will be a summary offence.

S. 13: If a registered firearms dealer is convicted of an offence under this Act, or of a Customs offence as to import or export of firearms or ammunition to which Part I of the Act applies, the Court may order his name to be removed from the register, and that he (and any employee concerned) shall not be registered as a firearms dealer, and that any person who may knowingly employ such convicted person shall not be (or remain) registered as a firearms dealer, and that the stock of the business shall be disposed of. There may be an appeal to Quarter Sessions against any such order.

S. 14: No pawnbroker shall take in pawn from any person any firearm or ammunition to which Part I of the Act applies. Contravention will be a summary offence.

Police Powers

S. 6: Any constable may demand from any person whom he believes to be in possession of a firearm or ammunition to which Part I of the Act applies (s. 16 excepts smooth-bore guns of 20-inch barrel, airguns, air-rifles and air-pistols and their ammunition, also shot and blank cartridges) the production of his firearm certificate. If such person fails to produce same, or to permit the constable to read same, or to show that he is entitled under the Act to have the firearm or ammunition without certificate, the constable may seize and detain the firearm or ammunition and require the person to give his name and address. If such person refuses or fails to give his true name and address, he is liable to £20 fine on summary conviction. The constable may

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arrest without warrant any person who so refuses his name or address, or whom he suspects of giving a false name or address or of intending to abscond. See later, under " General ", for other police powers.

Prohibited Weapons. Part II. s. 17: It shall be unlawful to

Council or the Air Council (1) any firearm from which, on pressure to the trigger, missiles may continue to be discharged, (2) any weapon for the discharge of any noxious liquid, gas or other thing, (3) any ammunition containing or designed or adapted to contain any such noxious thing.

Contravention of above is punishable on indictment or summarily.

The above authorities may grant permits in writing with conditions attached, and if so the Chief Officer of Police shall grant

S. 18: A Secretary of State may by order prohibit the removal of any firearms or ammunition unless the removal is authorised by the Chief Officer of Police of the area from which they are to be removed and unless any other conditions of the order are com-

certificate from carrying with him any firearms, etc., authorised by the certificate. Any police officer may search for and seize

contravention of any such order. Any contravention of such an order will be a summary offence.

S. 19: No person under 17 shall purchase or hire any firearm or ammunition, and no person shall sell or hire any firearm or ammunition to a person under 17.

ammunition to which Part I of the Act applies, and no person shall give or lend same to any person under 14.

No person under 14 shall have in possession any firearm or ammunition to which Part I of the Act applies, except when he is entitled to do so without holding a firearm certificate (viz. by carrying for another for sporting purposes or as a member of a rifle club, or in a shooting gallery). No person shall give possession of a firearm or ammunition to a person under 14 except in such circumstances.

Any contravention will be a summary offence.

tion
to, or repair, prove or test any firearm or ammunition for, any other person whom he knows or has reasonable ground for believing to be drunk or of unsound mind.

Any contravention will be a summary offence.

assault to rob or of being found at night armed with intent to break or enter.

In this section "firearm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon. "Imitation firearm" means anything which has the appearance of being a firearm within this section (exclusive of a prohibited weapon for discharge of noxious liquid, gas, etc.) whether it is capable of discharging any shot or other missile or not.

Before a person can be convicted of an offence under s. 23(2) it *must* be proved that he has committed one of the offences listed in the 3rd schedule (*R. v. Baker* (1962)).

shorten the barrel of a smooth bore gun to a length less than 20 inches, or convert into a firearm anything which though like a firearm is made so as to be incapable of discharging any missile through the barrel.

having a firearm certificate authorising same, will be punishable on indictment or summarily.

General, ss. 25 33

S. 25, as amended by 9th Sched., C.J. Act, 1948: Where a sentenced to preventive detention, corrective training or imprisonment to have a firearm the Court may forfeit or dispose of any firearm certificate.

S. 26: A Justice on sworn information may grant a search warrant authorising any constable named therein to enter at any time any premises or place named, if necessary by force, and search same and every person found therein and seize any reasonable ground for suspecting that an offence under this examine any business books, if it is the premises of a registered firearms dealer. He may arrest without warrant any person of an offence under this Act.

A Magistrates' Court may order the destruction or disposal of any firearm or ammunition seized under this Act.

S. 27: Alter the expiration of 6 months after the commission may institute or direct summary proceedings at any time within

S. 29: Notices under the Act may be served by registered post.

S. 33: The Act does not interfere with the operations of the London and Birmingham proof houses, and it does not apply to an antique firearm sold, transferred or possessed as a curiosity or ornament.

The Firearms Rules, 1937, 1952 and 1954, prescribe the forms necessary for applications, certificates, permits and registration.

Gun Licence Act, 1870. The Gun Licence Act, 1870, is an Excise Act and makes it an offence for any person to use a gun outside a residence unless he has a licence for the purpose.

S. 2: The term "gun" under this Act includes a firearm of any description and an air-gun or any other kind of gun from which any shot, bullet or other missile can be discharged.

S. 7: It is an offence for any person to use or carry a gun otherwise than in a dwelling-house or the curtilage thereof without having in force a licence granted under the Act.

This licence costs 10s., is procurable at a Post Office or County or Borough Office, is dated the day on which it is granted, and expires on July 31 following. Curtilage includes the outbuildings, yard and ground belonging to the house, enclosed within the common wall or fence.

If a gun is carried in parts by two or more persons in company, each person shall be deemed to carry the gun (s. 8).

S. 7 declares that no penalty under the Act will be incurred by the following persons:

(1) Any person in the naval, military or volunteer service of Her Majesty, or in a police force, using or carrying any gun in the performance of his duty, or when engaged in target practice.

(2) Any person having in force a licence or certificate to kill game.

(3) Any person carrying a gun belonging to a person having in force a licence or certificate to kill game or a licence under this Act, and by order of such person, and for the use of such person only, if the person carrying the gun shall on request of any excise officer, constable, owner or occupier of the land upon which such gun is used or carried, give the true name and address of himself and of his employer.

(4) The occupier of any lands using or carrying a gun for the purpose only of scaring birds or of killing vermin on such lands, or any person using or carrying a gun for the purpose only of scaring birds or killing vermin on any lands by order of the occupier thereof who shall have in force a licence to kill game or a licence under this Act.

(5) Any gunsmith or his servant carrying a gun in the ordinary course of the trade of a gunsmith, or using a gun by way of testing it in a place specially set apart for the purpose.

(6) Any person carrying a gun in the ordinary course of his trade or business as a common carrier.

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S. 9: Any constable or Inland Revenue officer may demand from any person using or carrying a gun (not being a person in the naval, military or volunteer service of Her Majesty or in a police force, using or carrying a gun in the performance of his duty) the production of his licence under this Act.

If such person shall not produce such a licence or a licence to kill game and permit the constable or officer to read same, it shall be lawful for such constable or officer to require such person to declare to him immediately his name and residence. If such person shall refuse to declare the same, the constable or officer may arrest and convey him before a Justice. The Justice may convict him for such refusal to declare his name and address and fine him, and if the fine be not paid forthwith to the constable or officer, the Justice shall commit him to prison for a period not exceeding one month or until the penalty be sooner paid.

S. 10: Any constable or officer of Inland Revenue who sees any person using or carrying a gun, may enter upon any lands or premises (except a dwelling-house or the curtilage thereof) for the purpose of making the demand specified in s. 9.

S. 4: As this Act is an Excise Act, proceedings (except those under s. 9) may only be taken by the County or Borough Council concerned, as the licence duties were transferred to Local Authorities in 1908. However a local authority may authorise a constable to prosecute for this excise offence. (Finance Act 1961, s. 11.)

Where a police officer detects a person carrying a gun without a licence under the Act (such person not being exempted under s. 7) the facts should be reported to the Council concerned.

Air Guns and Shot Guns etc., Act, 1962. This Act restricts the use and possession of air guns, shot guns and similar weapons.

No person under 14 shall accept as a gift any air weapon or ammunition therefor, and no person shall give any air weapon or ammunition therefor to any person under 14 (s. 1 (1)).

It is an offence for a child under 14 to be in possession of an air weapon or ammunition therefor except (a) as a member of an approved club engaged in target practice; (b) while at a shooting gallery where only air weapons or miniature rifles are used, or (c) while shooting under the supervision of a person of 21 or over on private premises, provided the missile is not fired beyond the premises. It is also an offence to part with the possession of an air weapon or ammunition therefor to a child under 14 except where the child is entitled to possess the weapon or ammunition by virtue of the exceptions mentioned above, (s. 1 (2)).

It is an offence for any person under 17 to have an air weapon in his possession in any public place, except (a) as a member of an approved club engaged in target practice, or (b) while at a shooting gallery where only air weapons or miniature rifles are used, or (c) where the weapon, being an air gun or air rifle, is so covered with a securely fastened gun cover that it cannot be fired, (s. 1 (3)).

14 while shooting on private premises allows the child to fire the missile beyond the premises, he commits an offence, (s. 1 (4)).

It is an offence for a person under 15 to have an assembled shotgun in his possession unless (a) he is under supervision of a person aged 21 or over, or (b) the gun is so covered with a securely fastened gun cover that it cannot be fired, (s. 2).

will be a defence to prove that the person charged believed the child to be 14 or over, and had reasonable ground for the belief, (s. 3 (2)).

Gun Barrel Proof Acts, 1868 and 1950. Proof is the compulsory testing of new shotguns or other small arms before sale

1954, prescribe that no small arm may be sold, exchanged or exported, exposed or kept for sale or exchanged or pawned unless it has been duly proved as shown by the authorised proof marks thereon. Information on proof matters may be obtained from the Proof Master of either The Proof House, 48, Commercial Road, London, E.I., or The Gun Barrel Proof House, Banbury Street, Birmingham, 5.

Chapter XXXV

ANIMALS

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Diseases of Animals. The Act now dealing with this subject is the Diseases of Animals Act, 1950, which has repealed the 1894 Act and several other similar Acts and consolidated the law on the matter. The Act empowers the Minister of Agriculture, Fisheries and Food to make Orders, and s. 89 continues in effect all previous Orders and Regulations made under the repealed Acts respecting the various diseases to which animals are liable.

"Animals", unless the context otherwise requires, means cattle, sheep and goats and all other ruminating (cud chewing) animals and swine.

This definition has by Order, 1952, been extended to horses, asses, mules and jennets.

"Carcase" means the carcase of an animal and includes part of a carcase.

"Poultry" unless the context otherwise requires, means domestic fowls, turkeys, geese, ducks, guinea fowls, pigeons also pheasants and partridges and this definition by Order, 1953, has been extended to parrots.

pest), pleuro-pneumonia, foot and mouth disease, sheep pox, sheep scab or swine fever and this definition, by Order, 1952, has

"Disease" as regards "poultry" means fowl pest, fowl psittacosis, by Order, 1953.

Ss. 3-7 give the Minister power to deal with diseases of horses and animals. He can order eradication areas and attested (free

horses. False statements to obtain compensation and obstruction

S. 8: Every person having in his possession or under his charge an animal affected with disease shall keep that animal separate from animals not so affected and notify with all practicable speed the fact to the local police who shall pass on the information as directed by the Minister's Order, see Tuberculosis Order, 1938.

S. 10: Places and Areas may be declared to be infected with isolation, destruction, etc., of animals and the disinfection of persons and places. S. 12 allows the putting up at an infected

Ss. 13-18: Empowers the slaughter of animals in cases of cattle plague, pleuro-pneumonia, foot and mouth disease and swine fever, and of animals and horses in cases of other diseases prescribed by Order; the disposal of the carcasses and compensation to the owners.

Ss. 20-23 allow the Minister to make orders regulating the move-

Ss. 36-41 prescribe the conditions for the export of animals and horses (see later).

Ss. 42, 43 allow the Minister to make Orders for periodical examination of sheep.

S. 44: The Minister may make Orders as to dogs such as unmuzzled and stray dogs and dogs not kept under control.

Ss. 45-51 relate to poultry, the eradication of their diseases, their slaughter in case of disease, their import, their protection

poultry are kept. See also Live Poultry (Restrictions) Order, 1957, and Live Poultry (Movement Records) Orders, 1958 and the Disinfection Order, 1956.

having a population of not less than 10,000; the Council of a Metropolitan borough; the County Council (for the rest of a County); any "body" appointed by the Minister as such for a port, and a local authority shall enforce the Act.

Order of the Minister. When a person is seen or found committing or is reasonably suspected of being engaged in committing an offence against this Act, a constable without warrant may stop

constable and the person fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him. The constable may whether stopping or apprehending or not, stop, detain and examine any animal, vehicle, boat or thing

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to which the suspected offence relates and require same to be forthwith taken back to the place whence unlawfully removed and execute and enforce that requisition. If any person obstructs or impedes or assists in so doing a constable or other officer in the execution of this Act or Order under it, he may be arrested without warrant.

A person arrested under this section shall be taken with all practicable speed before a Justice and shall not be detained without a warrant longer than is necessary for the purpose.

The foregoing provisions of this section respecting a constable extend and apply to any person called by the constable to his assistance.

A constable shall forthwith report in writing to his Superior boat or thing under this section and of his proceedings consequent thereon.

S. 73: An inspector appointed by the Ministry or by the local authority has all the powers which a constable has under this grounds of suspicion.

offences,
such as doing prohibited acts without licence or using false licences or digging up buried carcases, etc., may be punished summarily by imprisonment.

S. 83: Where the owner or person in charge of an animal is charged with an offence against this Act, relative to disease or

reasonable diligence have obtained that knowledge.

Cruelty to Animals. Protection of Animals Act, 1911, s. I:
summarily by imprisonment or fine or both, for:

(1) Any person to do any of the following acts or to cause or procure or being the owner, to permit same to be done:

load, torture, infuriate or terrify any animal;

(6) Cause any unnecessary suffering to any animal either by doing or omitting to do some act;

(c) Convey or carry any animal in such a manner of position as to cause that animal any unnecessary suffering (Diseases of Animals, Act, 1950, s. 22, provides for the supply

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to which the suspected offence relates and require same to be forthwith taken back to the place whence unlawfully removed and execute and enforce that requisition. If any person obstructs or impedes or assists in so doing a constable or other officer in the execution of this Act or Order under it, he may be arrested without warrant.

A person arrested under this section shall be taken with all practicable speed before a Justice and shall not be detained without a warrant longer than is necessary for the purpose. The law as to release of persons on recognizances by police shall apply in such cases.

The foregoing provisions of this section respecting a constable extend and apply to any person called by the constable to his assistance.

A constable shall forthwith report in writing to his Superior Officer every case in which he stops any person, animal, vehicle, boat or thing under this section and of his proceedings consequent thereon.

S. 73: An inspector appointed by the Ministry or by the local authority has all the powers which a constable has under this Act. He can enter land, premises, vehicles, etc., on reasonable grounds of suspicion.

Ss. 78-81: Offences under this Act, or Orders or local regulations are punishable summarily with fine and the more serious offences, such as doing prohibited acts without licence or using false licences or digging up buried carcasses, etc., may be punished summarily by imprisonment.

S. 83: Where the owner or person in charge of an animal is charged with an offence against this Act, relative to disease or illness of the animal, the presumption is that he knew of the existence of the disease or illness, unless he shows to the satisfaction of the court that he had not knowledge thereof and could not with reasonable diligence have obtained that knowledge.

Cruelty to Animals. Protection of Animals Act, 1911, s. 1: This section declares that it is an offence of cruelty punishable summarily by imprisonment or fine or both, for:

(1) Any person to do any of the following acts or to cause or procure or being the owner, to permit same to be done:

(a) Cruelly beat, kick, ill-treat, over-ride, over-drive, over load, torture, infuriate or terrify any animal;

(6) Cause any unnecessary suffering to any animal either by doing or omitting to do some act;

(c) Convey or carry any animal in such a manner of position as to cause that animal any unnecessary suffering

of food and water for animals carried by railway companies.

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Ss. 2 and 3: On conviction of the owner for cruelty to an animal, the Court may direct that the animal be destroyed, if satisfied it would be cruel to keep it alive, or may deprive the owner of the ownership and make an order as to the disposal of the animal. The court may disqualify him from having custody of any animal or animals (Amendment Act, 1954).

S. 4: If any person by cruelty to an animal causes any damage to the animal or to any person or property, the Court may order compensation up to £10 to be paid to the person aggrieved.

S. 7: The person impounding or causing to be impounded any animal in any pound must supply it with food and water on penalty of summary fine. See "Impounding Animals", Chap. 24.

S. 8: It is a summary offence, punishable by fine, to sell or dispose of any grain or seed which has been rendered poisonous except for *bona fide* use in agriculture, or to lay down or cause to be laid down on any land or building any poison or poisonous matter. It will be a defence to prove that such poison was laid down for the destruction of rats or mice or other small vermin, and that reasonable precautions were taken to prevent injury thereby to dogs, cats, fowls, other domestic animals or wild birds (Protection of Animals Amendment Act, 1927, s. 1).

S. 10: When a person sets or causes to be set any spring trap likely to catch a hare or rabbit, it is a summary offence punishable by fine, if he does not inspect or cause to be inspected such trap at reasonable intervals and at least once a day.

Rabbit clearance areas may be ordered. Spring traps for animals must, after 31st July, 1958 (or otherwise by Order), be of the approved type. Spring traps for hares or rabbits must not be used elsewhere than in rabbit holes, unless permitted by licence. The knowingly spreading of myxomatosis is illegal (Pests Act, 1954). See also Prevention of Damage by Pests (Threshing and Dismantling of Ricks) Regs. 1950 as to the fencing of ricks before they are dismantled.

S. 12: A police constable may arrest without warrant any person whom he has reason to believe is guilty of an offence under the Act which is punishable by imprisonment without the option of a fine (see s. 1) whether on his own view thereof or on complaint of any other person who shall give his name and address.

When a constable, under this Act, arrests a person in charge of a vehicle or animal, he is empowered to take charge of such vehicle or animal and deposit it in some place of safe custody.

S. 13: Where proceedings under this Act are taken against the driver or conductor of a vehicle, his employer may be summoned to produce such driver or conductor at the hearing. The owner of the animal may be summoned to produce the animal for the inspection of the Court.

The Transit of Animals Orders 1927, 1930, 1931, 1939, 1947.

the conveyance of animals without unnecessary suffering between home ports and between home and foreign ports.

The Animals (Cruel Poisons) Act, 1962, was passed to prohibit the killing of animals by cruel poisons. The Act gives power for poison for the destroying of animals. Contravention of the regulations (when in force) will be an offence.

Operations on Animals. Cruelty to Animals Act, 1876.

restrictions prescribed in the Act. Any public exhibition of experiments on living animals calculated to give them pain is illegal. The Act enables a search warrant to be granted to a constable on sworn information that such experiments are being unlawfully carried out. The carrying out of such experiments is termed "vivisection", meaning the cutting up when alive. This Act does not apply to invertebrate animals.

Protection of Animals (Anaesthetics) Act, 1954, repealed the Animals (Anaesthetics) Act, 1919, and declares that any operation on the sensitive tissues or bone structures of an animal (not a bird, fish or reptile) without an anaesthetic to prevent pain shall be deemed an operation performed without due care and humanity

needle or operations as specified in the First Schedule such as or castration before certain ages.

Injured Animals. Protection of Animals Act, 1911, s. 11:

in such a physical condition that in his opinion it cannot be removed without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, summon a veterinary

surgeon certifies that the animal is mortally injured or so severely injured or so diseased or in such physical condition that it is cruel to keep it alive, it will be lawful for the constable, without the consent of the owner, to have the animal slaughtered with as little suffering as practicable and to have the carcase removed from the highway if it is thereon.

If the veterinary surgeon certifies that the animal can without cruelty be removed, the person in charge of the animal should have it removed, and if he fails to do so the constable may cause it to be so removed.

be recovered from the owner summarily as a civil debt.

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If the owner by his cruelty is responsible for the condition of an injured animal, *a.* Court has power to order the destruction of the animal. See "Cruelty to Animals".

Where injury to an animal is the result of cruelty, see "Cruelty to Animals" and where the injury has been malicious and affects the owner, see "Malicious Damage", Chap. 15.

Performing Animals. Performing Animals (Regulation) Act, 1925, ss. 1 and 5: No person shall exhibit any performing animal at any entertainment to which the public are admitted whether on payment or otherwise, or train any animal for the purpose of any such exhibition, unless he is registered with the County or Borough Council of the place where he resides.

S. 7: This Act does not apply to training or exhibition for *bona fide* military, police, agricultural, or sporting purposes.

S. 3: Any constable or any person authorised by the Local Authority, may enter at all reasonable times and inspect any premises on which any performing animals are trained, exhibited or kept. He can inspect any animals found therein and require the production of the certificate of registration under the Act. However, he is not entitled to go on or behind the stage during any public performance.

S. 2: On proof of cruelty, a Court may make an order prohibiting such training or exhibition or imposing conditions.

S. 4: It is a summary offence for

(1) Any unregistered person to exhibit or train any performing animal;

(2) Any registered person to exhibit or train any performing animal with respect to which or in a manner with respect to which he is not registered;

(3) Any person to obstruct any constable or authorised officer acting under this Act;

(4) Any person to conceal any animal to avoid inspection;

(5) Any registered person without reasonable excuse to fail to produce his certificate;

(6) Any person to fail to comply with any order of a Court made under this Act;

(7) Any person to apply for registration when prohibited from being so registered.

When a person is convicted under this Act or under the Protection of Animals Acts, the Court may cancel his registration or disqualify him from registration.

Protection of Animals Act, 1934, prohibits any public performance ("rodeo") in which unbroken horses or untrained bulls are thrown, untrained bulls are struggled with, or horses or bulls are stimulated by any cruelty to buck. The promoters and operators are liable to £100 fine and (or) 3 months imprisonment,

and the onus of proof that an animal was broken or trained rests on them.

Cinematograph Films (Animals) Act, 1937, prohibits the public exhibition of film scenes in connection with the production of which, suffering may have been caused to animals.

Horses. Horse Breeding Act, 1958: A person who keeps a stallion which has attained the age of 2 years without a license or permit commits a summary offence, unless it was 4 years old before Jan. 1, 1949 or unless it is a thoroughbred or a pony of a prescribed breed. If a person travels for service a stallion exempted under one of these two categories, or exhibits it on any premises not in his occupation with a view to its use for service or permits same to be done, unless the stallion is licensed by the Ministry of Agriculture, Fisheries and Food he commits a summary offence (s. 1 and the Horse Breeding Rules, 1948).

Under s. 10, the person in charge of the stallion must produce the license or a certified copy thereof, to any person engaging the service of the stallion or to any police officer or other authorised person.

It is a summary offence to forge or fraudulently alter or use or to permit to be fraudulently altered or used any such licence or certified copy thereof (s. 11).

Diseases of Animals Act, 1950. No horse, ass or mule may be shipped from any port in Great Britain to any port outside the United Kingdom unless

(1) A veterinary surgeon appointed by the Minister for such purpose has certified in writing that it is capable of being conveyed to such port and disembarked without cruelty and is capable of being worked without suffering (s. 37); or

(2) A thoroughbred horse accompanied by a written certificate from a steward or the secretary of the Jockey Club, that it is travelling for racing- or breeding purposes or has arrived in Great Britain not more than one month previous for racing purposes (s. 40).

Any such certificate shall be given to the Master of the vessel who, on demand, shall produce it to any constable or officer of the Ministry and allow a copy of it to be taken (ss. 37, 40).

If any horse examined under s. 37 is found to be in such a physical condition that it is cruel to keep it alive or to be permanently incapable of being worked without suffering the inspector shall forthwith slaughter it or cause it to be slaughtered

If a horse being exported under a veterinary inspector's certificate has a limb broken or is otherwise seriously injured while on board the ship so as to be incapable of being disembarked without cruelty the Master shall cause it to be slaughtered with a proper killing instrument which must be carried on the ship (s. 39).

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The Exported Cattle Protection Order, 1957, as amended requires that any cattle exported from Great Britain to any place outside the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, whether by sea or air, shall be

from the ship or aircraft if it is likely to be exposed to unnecessary suffering during transit.

The Exported Ponies Protection Order 1958 provides that no pony shall be shipped by sea or by air from Great Britain to any place outside Europe, unless it has been inspected by a veterinary inspector and certified to be capable of being conveyed without unnecessary suffering. "Pony" means any horse not more than 14 hands in height, except a foal travelling with its dam if the

Docking and Nicking of Horses Act, 1949, prohibits the docking tendon or muscle in the tail) of horses (including ponies and mules) unless a veterinary surgeon certifies it is necessary for their health.

From Jan. 1, 1955, no docked horse shall be imported except on licence or for export as soon as practicable.

Knackers. The Slaughter of Animals Act, 1958 and the Slaughter of Animals (Prevention of Cruelty) Regs., 1958, apply to knackers and knacker's yards. A knacker is a person whose business is to kill animals the flesh of which is not intended for sale for human consumption, and the premises used for such business

Knacker's yard products for human consumption is an offence

A knacker, his "yard" and his slaughtermen must be licensed by the local borough or district council (see Food and Drugs Act, 1955). Animals should be killed with as little suffering as possible (s. 1, 1958 Act), and if in pain must be slaughtered without delay (Reg. 18). No horse shall be worked after it has been delivered

er's
yard shall be kept on the premises until killed and must be slaughtered within 48 hours from the time of delivery (Reg. 22). A person under 15 should not be in a knacker's yard while slaughtering or cutting up of carcasses is taking place (Reg. 23).

pencil within 24 hours of the slaughter of the animal or of its receipt (Reg. 32). The record shall be produced for inspection at all reasonable times on request by an authorised officer of the local authority or the Minister (Reg. 35).

Contravention of the regulations is punishable summarily but a person shall not be guilty if he proves that by reason of accident or other emergency, the contravention was necessary for preventing physical injury or suffering to any person or animal (Reg. 36).

A constable has the right to enter a knacker's yard by day or when business is carried on, to see if any contravention of the Act has occurred. Any person refusing such entry or obstructing him can be punished summarily (Protection of Animals Act, 1911, s. 5).

Dogs. The law makes an owner responsible for the licensing and custody of his dogs.

Agriculture, Fisheries and Food to make Orders regarding dogs dealing with their muzzling and control; collars with name and address of owner; stray dogs; seizure and disposal of stray dogs, unmuzzled dogs and dogs not under control.

Licensing of Dogs. Dog Licences Act, 1959: It is an offence for any person to keep a dog above the age of six months without having in force a licence to keep such dog, or to keep a greater number of dogs than he is licensed to keep. The onus of proving the age of a dog rests on the accused (s. 12). A dog licence lasts for 12 months from the 1st day of the month in which it is taken out (s. 9). They are personal licences and are not transferable. They cost 7s. 6d. each and are procurable at a Post Office or County or Borough Council office (s. 7).

It is also an offence for a licensed person not to produce and deliver his licence to be examined and read by a constable or authorised officer within a reasonable time after request for its production (s. 13).

Every person in whose custody, charge or possession or in whose house or premises any dog shall be found or seen, shall be deemed to be the person keeping the same unless the contrary be proved (s. 12).

Dogs used as guides by blind persons are exempt from license (s. 3) also hounds under the age of twelve months belonging to masters of hounds and never entered in or used with any pack of hounds (s. 2). A certificate of exemption may be obtained for dogs kept and used solely for tending sheep or cattle on a farm or in the exercise of the occupation of a shepherd, on the owner making the prescribed declaration, and obtaining the consent of the local court (s. 4).

Dangerous Dogs. Town Police Clauses Act, 1847, s. 28: It is an offence for any person in any street in any district where the Act applies, to the obstruction, annoyance or danger of the residents or passengers

(1) To suffer to be at large any unmuzzled ferocious dog;

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- (2) To set on or urge any dog or other animal to attack, worry or put in fear any person or animal;
- (3) To suffer his dog to be at large knowing or having reasonable ground for believing it to be in a rabid state or to have been bitten by any rabid dog or animal; or
- (4) To suffer any dog to be at large after public notice has been given by any Justice directing dogs to be confined on

plaint that a dog is dangerous and not kept under proper control, and, if it appears that the dog is dangerous, may order it to be kept by the owner under proper control or destroyed. The complaint may be preferred by a police officer (*Smith v. Baker* (1960)).

Act, 1948: If an order to destroy is made the owner can appeal to Quarter Sessions. If the owner intends to appeal he must give notice accordingly within 14 days and the dog must be kept under

If the owner gives notice that he does not intend to appeal the order for destruction takes effect. If no notice of appeal or non appeal is given the order to destroy the dog takes effect after 14 days.

Dogs Act, 1906, s. 1 (as amended by the Dogs (Amendment) Act, 1928): The owner of a dog shall be liable in damages for injury done to any cattle or poultry by that dog. It will not be necessary to prove a previous mischievous propensity in the dog or the owner's knowledge of same or that the injury was due to the owner's neglect. The occupier of any premises where the dog was kept or permitted to live or remain at the time of the injury will be presumed to be the owner unless he proves the contrary. If a dog is proved to have injured cattle or poultry or chased sheep it may be dealt with as a dangerous dog under s. 2 of

asses, sheep, goats and swine. The word "poultry" includes domestic fowls, turkeys, geese, ducks, guinea-fowls and pigeons (Diseases of Animals Act, 1950). See also Public Health Acts Amendment Act, 1907, s. 81. See *Goodway v. Becher* (1951) where it was held that the owner acted reasonably in respect of his shooting a dog in defence of his poultry.

Dogs and Livestock. Under the Dogs (Protection of Live-

£10, on second conviction with same dog, fine up to £50.

"Worrying" means attacking or chasing in such a way as may

owner or person authorised by him may use a dog to drive off trespassing livestock but not to attack them (s. 1).

" Agricultural land " means arable, meadow or grazing land, or land used for poultry or pig farming, market gardens, allotments, nursery grounds or orchards.

" Livestock " means cattle, sheep, goats, swine, horses, asses, mules or poultry. " Poultry " means domestic fowls, turkeys, geese or ducks (*a. 3*).

For an offence under the Act no proceedings shall be brought except: (») by or with consent of the local chief officer of police, or (6) by the occupier of the land, or (c) by the owner of the livestock in question.

If a dog is found on any land and no person is present who admits he is the owner or in charge of it, and a police officer has reasonable cause to believe that the dog has been worrying livestock on that land which appears to him as " agricultural " he may seize the dog and detain it until the owner has claimed it and paid all expenses. If not claimed within 7 days the dog may be treated as a stray dog under s. 3, Dogs Act, 1906 (s. 2).

Stray Dogs. Dogs Act, 1906, s. 3: Where a police officer has reason to believe that any dog found in a highway or place of public resort is a stray dog, he may seize the dog and detain it until the owner has claimed it and paid all expenses incurred. Where the owner is known, the police shall serve on him notice in writing that the dog has been seized and may be sold or destroyed if not claimed within seven clear days after service of the notice.

Where any dog so seized has been kept for seven clear days, or, if such notice has been served, for seven days after service of notice, and the owner has not claimed the dog and paid all expenses incurred, the police may cause the dog to be sold or destroyed. Such notice may be served personally or by leaving it at, or by sending it by post to, the owner's address. A register of all dogs seized must be kept by the police and be open for inspection at all reasonable times by the public on payment of 1s. fee. The police must properly feed and maintain all seized dogs.

possession of a stray dog shall forthwith either return the dog to its owner or take the dog to the police station nearest to the place where the dog was found and give particulars of the finding. If the finder wishes to keep the dog he will be given a certificate in the form prescribed and may take the dog, but is bound to keep it for not less than one month. If he does not want it, it will be treated as a seized stray dog. Failure to comply with above is a summary offence. Penalty, £2.

S. 6 (and Dogs (Amendment) Act, 1928): It is an offence for any person knowingly and without reasonable excuse, to permit the carcase of any head of cattle (including horses, mules, asses, sheep, goats and swine) belonging to him or under his control, to remain unburied in a field or other place to which dogs can gain access.

Control of Dogs. The Control of Dogs Orders 1930, 1931, direct that every dog while in a highway or in a place of public resort shall wear a collar with name and address of the owner inscribed thereon or on a plate or badge attached thereto.

Provided that this requirement shall not apply to any pack of hounds, or to any dog while being used for sporting purposes or for the capture or destruction of vermin or for driving or tending of cattle or sheep.

Any dog not so complying with the order may be seized and treated as a stray dog, and any person committing or aiding, abetting, counselling or procuring the commission of any breach of the Order is liable to fine, or to imprisonment if a second or subsequent similar offence occurs within 12 months.

An Amendment Order of 1930 declares that where a dog is found in such a place not wearing a collar as prescribed, the owner, the person in charge, and any person allowing the dog to be so there, shall each be guilty of an offence.

A Local Authority may, under this Order, make regulations for requiring that dogs shall be kept under control between sunset and sunrise for the prevention of worrying of cattle (including horses, mules, asses, sheep, goats and swine).

Road Traffic Act, 1960, s. 220: A local authority may by Order made after consultation with the police and confirmation by the Minister, designate a road. Then any person who causes or permits a dog to be on a designated road without the dog being held on a lead will commit a summary offence. This shall not apply to dogs for driving sheep or cattle or sporting dogs under proper control.

Injury or Cruelty to Dogs. Malicious Damage Act, 1861, s. 41: It is a summary offence to unlawfully and maliciously kill, maim, or wound any dog.

Protection of Animals Act, 1911, s. 9: It is an offence to use, cause, procure, or being the owner to permit to be used, any dog for the purpose of drawing or helping to draw any cart or truck on any public highway.

Protection of Animals (Cruelty to Dogs) Act, 1933: If a person is convicted of cruelty to a dog the Court may disqualify him for keeping a dog and for having a dog licence, for such period as the Court thinks fit. If such person during the period of disqualification keeps a dog or applies for or obtains a dog licence he is liable to £25 fine and three months imprisonment. After six months he may apply to the Court to remove the disqualification. Under the Protection of Animals Act, 1911, ss. 2 and 3, the Court may also direct the dog to be destroyed if necessary and may deprive the owner of the ownership.

For general cruelty, see "Cruelty to Animals".

Stealing Dogs. The stealing of a dog is not a felony, as a dog is not the subject of larceny at common law. A dog is not a

" chattel ", so the obtaining of a dog by false pretences is not indictable under s. 32, Larceny Act, 1916 (false pretences).

Larceny Act, 1861, ss. 18 and 19: It is a summary offence to steal any dog, or for anyone to unlawfully have in his possession or on his premises any stolen dog or the skin of any stolen dog, knowing such dog to have been stolen or such skin to be the skin

(1) To steal any dog, after a previous summary conviction

(2) To unlawfully have in possession or on his premises any stolen dog or the skin thereof, knowing such dog or skin to have been stolen, after a previous summary conviction of any such offence;

(3) To corruptly take any money or reward directly or

to recover any stolen dog or any dog in possession of a person not its owner. See " Compounding Offences ", Chap. 2.

It is a summary offence to retain possession of a stray dog without obtaining the necessary certificate. See " Stray Dogs ".

Rabies. Under the Rabies Order, 1938, every person who has in his possession or charge an animal (including a dog or cat)

and isolate such animal which must be slaughtered. The police

and to the Ministry of Agriculture and Fisheries, London.

The Dogs Act, 1871, the Dogs Act, 1906, and the Diseases of Animals Act, 1950, authorise the making of Orders placing restrictions on dogs.

S. 28 of the Town Police Clauses Act, 1847 (where the Act applies) prescribes a summary penalty for owners who allow rabid dogs to be at large or who do not obey a Justices' public notice to keep dogs confined on account of suspicion of rabies.

all the previous Wild Bird Protection Acts, which ranged from 1880 to 1939.

Under s. 1 it is an offence to wilfully kill, injure or take or attempt to do so any wild bird or its nest while in use or its eggs, or to have in possession or control any wild bird recently killed or taken (unless allowed under the Act), but there are many exceptions to this comprehensive section.

" Wild Bird " means any wild bird but in the Act does not

game or, in Scotland, ptarmigan, except as regards s. 5 (which prohibits certain methods of killing or taking birds) s. 10 (which gives power to grant licences to kill or take birds) and s. 12

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The Act deals with 5 classes of wild birds as follows :

- (1) *Firs* Sched. Part I.* This schedule protects certain birds and their eggs at all times. This list of 50 birds includes corn crake, eagle, quail, swan, certain hawks and collared dove. An offence in respect of them is punishable by a special penalty (s. 1).
- (2) *First Sched. Part II.* This protects certain birds during the close season. This list of 10 birds includes greylag goose, whimbrel and six species of wild duck. An offence in respect of them is punishable by special penalty (s. 1).
- (3) at any time by authorised persons. This list of 20 birds

An authorised person may kill or take or attempt to do so any of the birds in this Second Schedule or take or destroy their eggs and nests or take the eggs of wild geese, ducks or swans for hatching (s. 2).

" Authorised person " means the owner or occupier (or any person authorised by him) of land on which the action authorised is taken; any person authorised in writing by the local authority of the area; any person authorised in writing by certain bodies such as water or fishery authorities, but such authority does not give any right of entry upon any land.

" Local authority " means amongst others the council of a county, county borough, urban or rural district.

" Occupier " includes any person having the right of hunting, shooting or fishing (s. 14).

- (4) *Third Sched.* This allows certain birds to be killed or taken outside the close season. (Except on Sundays in certain areas. Wild Birds (Sundays) Orders, 1955, 1956 and 1957.) This list of 31 birds includes the greylag goose and 4 other kinds of wild geese, mallard, teal, wigeon and 11 other kinds of wild duck, curlew, plover, snipe, woodcock.

The close season for snipe is 1st Feb. to 11th Aug., for

caille and (except in Scotland) woodcock 1st Feb. to 30th Sept., and in any other case 1st Feb. to 31st Aug. (s. 2).

- (5) unless close ringed and bred in captivity. The list of 60 birds includes blackbird, bullfinch, goldfinch, greenfinch, lark, robin, sparrow, starling, thrush, yellow hammer.

Restrictions on sale, etc. Unless authorised by licence under s. 10, it will be an offence to sell, offer for sale or have in possession for sale any live bird of the Fourth Schedule other than a close

ringed bird bred in captivity, any dead wild bird of the Third Schedule during the period 28th Feb. to 31st Aug., or any dead wild bird or the skin or plumage of a wild bird of some other species

wild bird (if such species has nested in this country) except the eggs of gulls for food or feeding purposes and the eggs of wild

before 15th April in any year. A justice on sworn information may grant a warrant to any constable to enter and search premises for evidence of an offence under this section (s. 6).

The Secretary of State and other authorities may grant licences authorising the killing or taking etc. of wild birds for various

Prohibitions of methods of killing or taking birds. It will be an

in position without reasonable precautions, traps, snares etc. likely to injure wild birds (except those for other purposes); to use nets, birdlime etc. to catch birds; to use a live bird, tethered etc., as a decoy; to use a very large bore etc. gun for killing birds; to use artificial light to attract birds other than those in the Second Schedule; to use aircraft or motor vehicle or boat to pursue and kill or take a wild bird.

However a net or cage trap may be used by an authorised person for taking Second Schedule birds or for taking for ringing or marking and a net duck decoy used before this Act is still

Restrictions on importation. Unless authorised by licence under s. 10, the importation is prohibited of any common quail, alive or dead, of any dead lapwing or on or after April 15 in any year the eggs of any lapwing, and during period from February 1 to August 31 of any dead Third Schedule bird or wild duck or wild goose.

The Secretary of State may expand such restrictions (s. 7).

Captive birds. It will be an offence with special penalty to keep or confine any bird in a cage or receptacle in which the bird cannot stretch its wings freely, but this will not apply to domestic poultry or birds in course of conveyance or so kept for exhibition (under 72 hours) or while getting veterinary treatment.

It will be a special penalty offence (s. 8).

Bird sanctuaries. The Secretary of State, may by order allow the establishment of bird sanctuaries within the area of a local authority, within which interference with wild birds and their nests and eggs is prohibited (s. 3). The local authority may institute proceedings for any offence under the order (s. 12).

Enforcement A constable may without warrant stop and search any person found committing an offence against the Act and any vehicle, boat or animal which that person may then be using, and may arrest that person if he fails to give his name and

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address to the constable's satisfaction, and seize and detain any wild bird nest or egg or any weapon or other article capable of being used to kill or take wild birds which may be in the person's possession.

The council of a county or county borough may institute proceedings (s. 12).

Under s. 74 of the Public Health Act, 1961, a local authority may take any steps for the purpose of abating or mitigating any nuisance, annoyance or damage caused by the congregation in any built-up area of house doves, pigeons, starlings or sparrows. This

dispose of any house doves or pigeons which are believed to have no owner. Such seizure and destruction must be carried out

Birds Act, 1954.

Larceny of Birds. All valuable domestic birds which serve for food, such as poultry and their eggs, and the flesh of wild birds may be the subject of larceny at common law. The Larceny Act, 1861, made it a summary offence to steal or to kill to steal

common law (s. 21), or to unlawfully and wilfully kill, wound or take any house dove or pigeon under such conditions as shall not amount to larceny at common law (s. 23 (see s. 74 Public Health Act 1961, under the title " Birds " above)). It also makes it an offence to have knowingly in possession such birds or their plumage (s. 22). However, the Larceny Act, 1916, s. 1, declares that

Malicious Damage to Birds. It is a summary offence to unlawfully and maliciously kill, maim or wound any bird or other animal being either the subject of larceny at common law or being ordinarily kept in a state of confinement or for any domestic purpose (Malicious Damage Act, 1861, s. 41).

Larceny of Animals. All domestic animals, such as horses, asses, mules, cattle, all animals and birds which are fit for human food, such as sheep, swine and poultry and their products and the flesh of animals and birds which are by nature wild, may be the subject of larceny at common law and the stealing of them will be felony.

Larceny Act, 1916, s. 3: It is a felony to steal any horse,

S. 4: It is a felony (triable summarily with accused's consent (M.C. Act. 1952, s. 19 and 1st Sched.)) to wilfully kill an animal with intent to steal the carcase, skin or any part, provided that the stealing of the animal would have amounted to larceny.

S. 1 (3): The carcase of a creature wild by nature and not reduced into possession shall not be capable of being stolen by possession of the carcase.

Larceny Act, 1861, ss. 12 and 13: The unlawful taking or attempting to take any deer kept in the unenclosed part of a forest or chase is a summary offence, but a subsequent offence or the unlawful taking or attempting to take any deer in any enclosed land where deer are usually kept is a felony.

S. 14: Being in possession of any part of a deer or of any engine for taking deer, and not satisfactorily accounting for same is a summary offence.

S. 15: Setting or using engines for taking deer is a summary offence.

Ss. 21 and 22: The stealing or the killing with intent to steal of any bird, beast or other animal ordinarily kept in confinement or for any domestic purpose and not being the subject of larceny at common law, or the knowingly being in possession of such stolen animal or part of it, is a summary offence.

S. 23: The unlawful killing, wounding or taking of any house dove or pigeon under such circumstances as shall not amount to larceny at common law is a summary offence. See also s. 74 of the Public Health Act 1961 under the title " Birds " above.

For the taking of dogs, game and fish, see " Dogs ", above, and " Poaching Offences ", and " Fishery Laws ", Chap. 19.

Destructive Imported Animals Act, 1932. This Act gives power to prohibit and control the importation or keeping of destructive animals which are not native to the country. The musk rat or musquash damages river banks, crops, etc., and the Musk Rats Order, 1932, prohibited their importation or keeping except under licence.

The Musk Rats Order, 1933, prohibits their importation and licences to keep them have been revoked. It is therefore an offence to import or keep or turn loose these pests and the police may seize them. The public are asked to kill any such rats found at large and to notify the Ministry of Agriculture and Fisheries, London, of their existence in any place.

The Grey Squirrels Order, 1937, similarly prohibits the importation into, or the keeping within, Great Britain, of grey squirrels.

Slaughter of Animals. The law on this subject includes the
vention of Cruelty) Regs. 1958. See also " Knackers " above.

No animal to which the 1958 Act applies (i.e. horses, cattle, sheep, swine and goats) shall be slaughtered in a slaughter-house or knacker's yard unless such animal is instantaneously killed or stunned so as to be insensible to pain until it dies. Such killing or stunning shall be by a mechanically operated instrument.

riding. It does not include any such establishment conducted solely for military or police purposes or by the London Zoological Society.

" Horse " include* any mare, gelding, pony, foal, colt, filly or stallion and any aim.

S. 2: If any person

(a) lets out any horse on hire for riding at a time when the horse is in such a condition that the riding thereof will be likely to cause suffering to the horse; or

(b) uses any horse for providing, in return for payment, instruction in riding at a time when the horse is in such a condition that its use for that purpose will be likely to cause suffering to the horse; or

(c) keeps any horse which is used for the purpose of being let out on hire for riding or of providing, in return for payment, instruction in riding, in so neglected a state or in such conditions that suffering is, or is likely to be caused, to the horse; or

(d) wilfully obstructs or delays any duly registered veterinary surgeon in the exercise of his powers of entry or inspection under this Act; or

(e) with intent to avoid such inspection conceals any horse; he shall be guilty of an offence under the Act - penalty on summary conviction, fine not exceeding £25, or for any subsequent

No prosecution shall be brought under the Act except by the local authority, which must first receive and consider a report on the matter from a registered veterinary surgeon.

" Local authority " means the common council of the City of London, the London County Council, the council of the county borough, borough or urban district, and as respects any other area the council of the county.

S. 1: A local authority may authorise in writing any registered veterinary surgeon to inspect any premises which they have reason to believe are used as a riding establishment. This authority will give the right to enter the premises at all reasonable times and inspect such parts thereof, and such horses found thereon as may be considered necessary so as to ascertain whether an offence under the Act has been or is being committed.

Pet Animals. The Pet Animals Act, 1951 deals with the keeping of a pet shop, that is the carrying on at premises of any nature including a private dwelling (and any stall or barrow in a market) of a business of selling animals (any vertebrate animals) as pets or keeping same with a view to their sale. This includes selling or keeping for sale cats and dogs for domestic purposes and any animal for ornamental purposes. However keeping or selling pedigree animals bred by a person or the offspring of his pet animals are excluded, and the local authority may exempt the breeder of pedigree animals who also sells animals as pets (s. 7).

local authority (Council of County Borough or County District or Metropolitan Borough or City of London or Scottish County (*a. 7*)), which can specify conditions and which expires at the end of the year. If the licence is refused there can be an appeal to the local summary court (s. 1). It will be an offence to sell animals as pets in any part of a street or public place, except at a stall or barrow in a market (s. 2) or to sell an animal as a pet to a person under 12 (s. 3).

The local authority may authorise in writing inspection of licensed pet shops and any wilful obstruction or delay of the summarily (s. 5) By the local authority (s. 6).

Chapter XXXVI**BETTING****Contents**

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Betting. According to the Oxford Dictionary betting is the staking of money or other value on the event of a doubtful issue.

Betting and Gaming. The Betting and Gaming Act, 1960 has greatly amended the law relating to betting and gaming. This new Act is arranged in four parts as follows:

Part I (ss. 1 to 14) deals with Betting.

Part II (ss. 15 to 22) deals with Gaming.

Part III (ss. 23 to 25) deals with Amusements with Prizes.

Part IV (ss. 26 to 31) deals with Miscellaneous and General Matters.

There are six Schedules to the Act which are concerned with the following matters:

- First Bookmakers' permits, betting agency permits and
- Second Rules for licensed betting offices.
- Third Permits for provision of amusements with prizes.
- Fourth Consequential provisions.
- Fifth Amendments to secure uniformity and facilitate
- Sixth Repeals.

Part I Betting. Subject to certain exceptions, no person shall use any premises for the purpose of effecting betting transactions with persons resorting thereto; neither shall a person cause or knowingly permit any other person to use any premises for the purpose of effecting betting transactions with persons resorting thereto (s. 1 (2)). A contravention of these provisions is an offence (s. 1 (2)), except that it does not apply to (1) any approved racecourse or any act done thereon on the days when horse races take place on such course (Racecourse Betting Act,

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1928), or (2) any track (other than an approved racecourse) on any day on which bookmaking may lawfully be carried on, on that track (Betting and Lotteries Act, 1934), or (3) any premises for which there is in force a "betting office licence" under this Act, or (4) where the user of the premises and all the persons with whom the betting transactions are effected (a) either reside or work on those premises, or (b) are holders of bookmaker's permits or are acting on behalf of such holders, and (5) without prejudice to section 3 of the Betting and Lotteries Act, 1934, shall also not apply in relation to pool betting transactions.

Any person who, for any purpose connected with the effecting of a betting transaction, resorts to any premises which are being used in contravention of the above or of sub-section (2) of section 3 of the Betting and Lotteries Act, 1934 (which restricts the premises which may be used as a place where persons resorting thereto may effect pool betting transactions) shall commit an

Proof that any person was on any premises used for unlawful betting shall be evidence that he resorted thereto for that purpose unless he proves that he was there for bona fide purposes not connected with effecting a betting transaction (s. 1 (4)).

own account and does not hold a valid bookmaker's permit commits an offence (s. 2). (A person registered under the Pool Betting Act, 1954, who receives or negotiates bets by way of pool betting is exempt from this provision.)

person shall by way of business receive or negotiate bets as servant or agent to another bookmaker or to the Horserace Totalisator Board unless (a) he has attained the age of 21 years; (b) he is authorised in writing by that other bookmaker or by the Board; (c) in the case of a person acting as servant or agent to another bookmaker, that other bookmaker is the holder of a bookmaker's permit or betting agency permit.

Provided that this shall not apply to any person who is the holder of such a permit or who receives or negotiates bets on premises occupied by the holder of such a permit or by the Board

If any bet is received or negotiated by any person as servant or agent to another bookmaker or to the Board in contravention of the above, both that person and the other bookmaker or the Board shall commit an offence (s. 3 (2)).

The Board and the holder of a bookmaker's permit or betting agency permit shall keep a register of persons who are authorised to act as their servants or agents, and shall not grant any such authorisation without making the appropriate entry in the register. Contravention of these provisions is an offence (s. 3 (3)).

A constable may require the production of any authority in

writing or register which must be kept or issued by virtue of section 3 of the Act. Failure to comply is an offence (*a.* 3 (4)). Section 3 of the Act does not apply to bets made by way of pool betting under the Pool Betting Act, 1954 (*s.* 3 (6)).

Betting Office Licences. Where in the case of any premises there is for the time being in force a licence authorising the holder to use those premises as a betting office (betting office licence) then (a) section 1 (2) shall not apply to the use of those premises for the effecting of any betting transaction with or through the holder of the licence or any servant or agent of his, and (b) section 3 (2) of the Betting and Lotteries Act, 1934, shall not apply to the use of those premises for the effecting of any such betting transaction by way of sponsored pool betting (*s.* 4).

Conduct of licensed betting offices. A licensed betting office must be managed in accordance with the rules set out in the Second Schedule (see below), and in the case of any contravention of any of the rules, the licensee and any servant or agent by whom the contravention was committed, commits an offence.

However, it shall be a defence for the licensee if he can prove that the contravention took place without his consent or connivance and that he exercised all due diligence to prevent it (*s.* 5 (1)).

The licensee or his servant or agent may refuse to admit or may expel any person who is drunken, violent, quarrelsome or disorderly or whose presence might cause a contravention of the rules for the conduct of betting offices. Any person who is liable to be expelled from the licensed premises and who fails to leave on being requested to do so by the licensee, his servant or agent, or any constable commits an offence (*s.* 5 (2)).

Any constable may, on the request of the licensee or his servant or agent, help to expel from a licensed betting office any person whom the constable has reasonable cause to believe to be liable to be expelled and may use such force as may be required for that purpose (*s.* 5 (3)).

Any constable may enter any licensed betting office to see whether the rules set out in the Second Schedule for the conduct of licensed betting offices are being complied with. Obstructing the constable will be an offence (*s.* 5 (4)).

If, save in a licensed betting office or in such manner as may be prescribed on premises giving access to such an office, any advertisement is published (a) indicating that any particular premises are a licensed betting office, or (b) indicating where any such office may be found, or (c) drawing attention to the availability of, or to the facilities afforded to persons resorting to, such offices, then in the case of an advertisement in connection with the office or offices of a particular licensee, that licensee and in every case any person who published the advertisement or caused or permitted it to be published, commits an offence.

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However, it will be a defence for a person charged to prove (1) that he did not know and had no reasonable cause to suspect that the advertisement was, and that he had taken all reasonable steps to ascertain that it was not, such an advertisement, or (2) if he is a licensee, that the advertisement was published without his consent or connivance and that he exercised all due diligence to prevent the publishing of the advertisement (s. 5 (5)).

Second Schedule Rules for Licensed Betting Offices.

(1) The premises shall be closed on Good Friday, Christmas Day and every Sunday, and shall not be used for any purpose other than the effecting of betting transactions.

(2) Persons apparently under 18, or known by the licensee or his staff to be under 18, must not be admitted to the premises.

(3)

prescribed, (c) must comply with any prescribed restrictions respecting the exhibiting of signs or written matter on the premises.

(4) Neither the licensee nor any servant or agent of his shall, while any other person is on the licensed premises, encourage him to bet.

(5) No facilities must be provided or allowed to be used for seeing any television broadcast or hearing any sound broadcast intended for public reception; and no music, dancing or other entertainment must be provided or allowed and no refreshment of any kind shall be served on the premises.

(6)

access thereto through any premises used for any other business.

The Betting (Licensed Offices) Regulations, 1960. Reg. 1. Licensed betting offices shall be closed between 6.30 p.m. and 7 a.m. the following morning.

premises giving access to a licensed betting office (a) inside a

being enclosed by a rectangle three square feet in area consisting, in addition to his name, only of the words " licensed betting

on or beside a door giving immediate access to the licensed betting office a notice giving the times the offices open; (b) elsewhere than

addition to his name, in not more than one place in characters not exceeding 3 ins. in height, and consisting only of the words " licensed betting office " and the times when the office is open.

Reg. 3. (1) A conspicuous notice stating that persons under 18 are not admitted must be displayed in a conspicuous place inside the licensed premises. (2) No written matter or sign of any description other than the betting office licence and the notice

required forbidding admittance to persons under 18, shall be exhibited inside the licensed premises except (a) in such manner that the matter exhibited cannot be read from outside those premises, the rules subject to which betting transactions are effected on those premises, and information relating to events in connection with which betting transactions may be or have been effected thereon, and a page containing such information taken from a newspaper may be exhibited although it does not consist solely of such information; (b) such notices as may be requisite for securing the orderly conduct of the betting office and compliance with the provisions of the Second Schedule to the Act, and (c) such advertisements relating to other licensed betting offices as are mentioned in s. 5 (5) of the Act.

Betting with young persons. It shall be an offence for any person (a) to have a betting transaction with a young person under the age of 18; (b) to employ a person under 18 in the effecting of any betting transaction or in a licensed betting office; or (c) to receive or negotiate any bet through a person under 18. How-

actions by post, or (2) the carriage by a person under 18 of a communication relating to a betting transaction for the purposes of its conveyance by post. It shall be a defence to prove that at the time of the alleged offence the person alleged to be under 18 had in fact attained that age (s. 7).

agency permit. If the holder of a bookmaker's permit or of a betting agency permit is convicted: (a) of an offence under the

Betting and Gaming Act, 1960 (allowing persons to resort for betting to any premises which are not licensed betting offices or where betting is not otherwise lawful under that section),

Act, 1934 (which restrict the number of days on which betting may take place on a track, prohibit bookmaking on unlicensed tracks and prohibit Pool Betting on a racecourse or dogtrack which is not an approved racecourse or licensed track), or (d) of an offence under s. 7 of the Betting and Gaming Act, 1960 (which prohibits betting with persons under 18 and the employment of such persons in betting transactions), or (e) of any offence involving fraud or dishonesty; or if the holder of a betting agency permit is convicted under s. 2 of the Betting and Gaming Act, 1960, (acting as a bookmaker on his own account without a bookmaker's permit) the court may order that his permit shall be forfeited and cancelled (s. 8).

is an
offence for the holder of a bookmaker's permit or betting agency permit to employ a person who is himself disqualified

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from holding a permit because of a conviction for any of the

It is an offence for the holder of a bookmaker's permit or betting agency permit to refuse, or unreasonably fail, to produce his

(s. 9).

The remaining sections (10 to 14) of Part I of the Act deal with the provision of information relating to betting by the Clerk to the Justices to the Secretary of State; the rights and duties of the Horserace Totalisator Board on recognised horse races etc.; the restriction on pool betting and offering of tote odds on certain dog races; the appointment of an accountant and an additional rule concerning prizes under the Pool Betting Act, 1954.

Part II Gaming. By virtue of s. 15 and Part I of the Sixth Schedule of the Betting and Gaming Act, 1960, the former statutes relating to gaming and the common law regarding gaming

from 1st January 1961. The following are the main enactments relating to gaming which have not been repealed (a) those provisions by virtue of which gaming and wagering contracts cannot be enforced; (b) sections 10-14 of the Gaming Act 1845, which deal with rooms licensed for public billiards (except for minor amendments); and (c) s. 17 of the Gaming Act, 1845, which makes it an offence to cheat at cards, dice or other game.

game of chance for winnings in money or money's worth, and "game of chance" includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, but does not include any athletic game or sport (s. 28).

No game is declared to be unlawful in itself. Gaming is unlawful by virtue of the manner in which it is conducted, if certain rules

Gaming is lawful if it is conducted in accordance with the following conditions: (a) that either (1) the chances in the game

conducted that the chances therein are equally favourable to all the players, and (b) no money or money's worth which any of the players puts down as stakes or pays by way of losses, or exchanges for tokens used in playing the game, is disposed of otherwise than

money or money's worth is required for a person to take part in

Gaming shall not take place if persons under 18 take part.

person in the presence, and with the consent of his parent or guardian; or in a private dwelling house with such consent (s. 16 (3)).

Gaming is forbidden in any street or in any other place to which,

whether on payment or otherwise, the public have access. A constable may arrest without warrant anyone whom he finds in a street or in any such place and whom he suspects, with reasonable cause, to be committing an offence under this section. "Street" includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare, or not, which is for the time being open to the public, and the doorways and entrances of premises abutting upon, and any ground adjoining and open to a street (s. 18).

If in any proceedings for unlawful gaming under s. 16 it is shown (a) that the game was one in which the chances of the players are not equal and that ten or more persons were present at the gaming, or (b) that a charge was made for access to the

the gaming was lawful is shifted from the prosecution to the defence (s. 16 (2)).

If unlawful gaming or gaming contrary to s.s. 3 takes place on any premises then it will be an offence for a person to be concerned in the organisation or management of the gaming. An offence is also committed by any person who, knowing or having reasonable cause to suspect that such gaming would take place, allowed the premises to be used for gaming or made the premises available

has been committed (s. 16 (4)).

contrary to s.s. 3 will be committing an offence. However, -if it is alleged that payment was required for taking part in the gaming,

proves that he was not required to make or to undertake to make, any payment to take part in the gaming, and that he neither knew nor had reasonable cause to suspect that any other person was so required (s. 16 (5)).

If any person is present at any unlawful gaming or gaming contrary to s.s. 3, it will show that he was present for the purpose

connected with the gaming (s. 16 (6)).

the case of any gaming, it shall be a defence to prove that the person charged neither knew, nor had reasonable cause to suspect that any of the players was under the age of 18 years (s. 16 (8)). See also s.s. 4 and 5.

Gaming in Clubs. The general rule under s. 16 (1) paragraph (c) is that gaming shall be lawful if no payment in money or money's worth (other than a stake) shall be required in order that a person may take part in the game. Gaming shall be held to have been conducted in accordance with this condition if it is proved (a) that it was carried on as an activity of a *Club*, and (b) that, apart from any annual subscription for membership of the club, the

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only other payment required for a person to take part in the gaming was of a fixed sum of money determined before the gaming

either (1) a member of the club in pursuance of an application or nomination for membership made more than 24 hours before the

that the club is so constituted and conducted both as regards membership and otherwise as not to be of a merely temporary

Gaming Machines. " Gaming machine " means a machine for playing a game of chance, being a game which requires no action by any player other than the actuation or manipulation of the machine.

Gaming by means of gaming machines does not come within the ambit of s. 16. However, such gaming is forbidden on any premises to which, whether on payment or otherwise, the public have access, or on premises used wholly or mainly by persons under 18, or on any other premises except in accordance with the following conditions. These conditions are: (a) that not more than two gaming machines are installed for play in any one building or part of a building in separate occupation; (b) that the coin for operating the machine does not exceed 6d.; and (c) that all stakes hazarded are applied either in the payment of winnings or for purposes other than private gain. See Lotteries and Gaming Act 1962 at the end of this Chapter.

In the event of a contravention of the section, an offence is to be used for gaming; and (b) any other person who (1) caused

otherwise made the premises available to any person by whom an offence in connection with the gaming was committed, (s. 17). " Premises " includes any vessel (s. 28).

Dominoes and cribbage on licensed premises etc. S. 19 provides an exception to the rule that gaming is not permitted in places

there is a justices' on-licence and in public houses in the Carlisle district the playing of dominoes or cribbage for money or money's worth is permitted. The licensing justices have power to impose requirements or conditions upon the playing of these games.

Entertainments not held for private gain. S. 20 provides that gaming at entertainments promoted to raise money otherwise than for private gain shall continue to be lawful providing the provisions of the Small Lotteries and Gaming Act, 1956, s. 4 are

the public have access other than in a street, and payment may be required to obtain access thereto. See Lotteries and Gaming Act 1962 at the end of this Chapter.

Supplementary provisions with respect to gaming. S. 21 of the Betting and Lotteries Act, 1934, makes lotteries in general unlawful, but now *s. 21* of the Betting and Gaming Act, 1960, lays it down that nothing in s. 21 of the 1934 Act shall make unlawful any gaming conducted in such circumstances that no offence under Part II of the 1960 Act is committed (s. 21 (1)).

For the purpose of any enactment relating to betting, the expression "bet" shall not include any bet or stake at any gaming conducted in accordance with the rules laid down in Part II of the 1960 Act (s. 21 (2)).

The following shall not be held to be gaming (a) the making of bets by way of pool betting (as denned in the Finance (No. 2)

lottery declared by s. 23 or 24 of the 1934 Act, or by s. 1 of the 1956 Act not to be an unlawful lottery; and (2) in which each winner of a prize is ascertained by reference to not more than three determining factors, each of those factors being either the result of a draw or other determination or the outcome of an event (s. 21 (3 and 4)).

Local authorities not to subsidise premises for gaming. By the Local Government Act, 1948, s. 132 a local authority may provide or contribute towards the expenses of providing entertainments and places in which to hold them and to undertake ancillary functions in that connection. By the Betting and Gaming Act, 1960, s. 22 a local authority may not make use of its powers under the 1948 Act, or any other Act to maintain or subsidise any

thereto habitually for the purpose of taking part in gaming. This on premises in respect of which there is in force a permit under the Third Schedule of the 1960 Act (s. 22).

Part III Amusements with Prizes. *Amusements with prizes at non-commercial entertainments.* All lotteries are declared to be unlawful by the Betting and Lotteries Act, 1934, s. 21, and s. 22 of that Act sets out offences in connection with lotteries. By s. 23 small lotteries incidental to certain entertainments, and by s. 24 private lotteries, are exempted from being unlawful.

Notwithstanding the provisions relating to lotteries in ss. 21 and 1960 Act, amusements with prizes are lawful when provided as an incident to a bazaar, sale of work, fete, dinner, dance, sporting or athletic event and other entertainments of a similar character,

gain, and the opportunity to win prizes at such amusements or to participate in a lottery in accordance with s. 23 of the 1934 Act or to take part in gaming under s. 20 of the 1960 Act, is not the only, or the only substantial inducement to attend the entertainment.

Deduction is permitted of the expenses of the entertainment, including any expenses incurred in connection with the amusements and the provision of prizes for them, and the expenses in respect of lotteries at the entertainment as permitted by s. 23 of the 1934 Act. See Lotteries and Gaming Act 1962 at the end of this Chapter.

If the conditions governing these amusements are not observed, then every person concerned in the provision or conduct of that amusement shall be guilty of an offence, unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it (s. 23). See Lotteries and Gaming Act 1962 at the end of this Chapter.

Amusements with prizes at commercial entertainments. Notwithstanding the provisions of ss. 16, 17 and 18 of the 1960 Act, and ss. 21 and 22 of the 1934 Act, s. 24 of the 1960 Act permits

permit is granted by the local authority under the Third Schedule of the Act, and (b) at occasional fairs of short duration provided by travelling showmen on premises not previously used in that year on more than 27 days for the holding of such a fair, subject to the following conditions. The conditions are: (a) that the amount paid for any one chance to win does not exceed *1s.*; (b) that the aggregate amount taken by way of the sale of chances in any one determination of winners does not exceed 50s. and that the sale of those chances and the declaration of the result take place on the same day and on the premises in which and during the time when, the amusement is provided; (c) that no money prize exceeds *1s.*; (d) that the winning of, or the purchase of a chance to win, a prize does not entitle any person whether or not subject to a further payment by him, to any further opportunity to win money or money's worth, by taking part in any amusement with prizes or in any gaming or lottery; (e) in the case of a pleasure fair that the opportunity to win prizes is not the only, or the only substantial, inducement to persons to attend the fair.

Where any amusement with prizes takes the form of a game played by means of a machine into which a coin is inserted, then notwithstanding that in addition to a money prize, a successful player receives a free opportunity to play the game again, the condition set out in (d) above shall not be deemed to be contravened if the aggregate amount which can be won by a player without inserting another coin does not exceed *1s.* (s. 24).

Amusement machines. S. 25 frees from all restrictions a machine the successful operation of which results in the return of the coin or a free turn.

Part IV Miscellaneous and General. *Enforcement and Penalties.* If a justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that an

offence under the Betting and Gaming Act, 1960, is being, has

warrant authorising any constable to enter those premises, if necessary by force, at any time within 14 days from the issue of the warrant and search them.

Any constable executing the search warrant may: (a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has

reasonable cause to believe to be committing or to have committed any such offence.

either on summary conviction (fine up to £100, second offence fine up to £200 and (or) up to 3 months imprisonment) or on indictment (fine up to £500, second offence, fine up to £750 and (or) 1 year's imprisonment). Any other offence under the provisions of the Act (for which no special penalty is provided) is

offence fine up to £100 and (or) 2 months' imprisonment) or on indictment (fine up to £300, second offence fine up to £500 and (or) 6 months' imprisonment).

Where an offence under this Act committed by a body corporate

manager, secretary or similar officer, he as well as the body corporate shall be guilty of that offence.

The court which convicts any person of any offence under this Act may order anything produced to the court and shown to its satisfaction to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may

Advertising Betting Retting and Loans (Infants) Act, 1892, s. 1: It is a misdemeanour, punishable summarily, for any person, for the purpose of earning any profit, to send or cause to be sent to a person he knows to be an infant (that is, under twenty-one years of age), any circular, telegram or other document, in

in any betting transaction or to apply to any person or place for information or advice for the purpose of any bets or for informa

is generally carried on. If such document names any person whom payment may be made or from whom information may be obtained, such person will be deemed to have been the sender unless he proves the contrary. For the amendment of the punishments which may be awarded for a breach of the above see

Act 1960.

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S. 3: If such document is sent to any person, under full age, at any University, school or other place of education, the sender will be deemed to have known such person was an infant unless he proves he has reasonable ground for believing such person was of full age.

Street Betting. Street Betting Act, 1906: It is a summary offence for any person to frequent or loiter in streets or public places, on behalf either of himself or of any other person, for the purpose of bookmaking or betting or wagering or agreeing to bet or wager or paying or receiving or settling bets. Such person shall in any case be liable to forfeit all books, cards, papers and other articles relating to betting found in his possession. Being in a place long enough to effect the purpose is "frequenting" (*Airion v. Scott*, (1909) and *Clark v. Taylor* (1948)). "Street" includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not which is for the time being open to the public, and the doorways and entrances of premises abutting upon and any ground adjoining and open to a street (s. 18 Betting and Gaming Act, 1960).

A constable may arrest without warrant any person found committing this offence, and may seize and detain any article liable to be forfeited under the Act.

Nothing in this Act applies to any ground used for the purpose of a racecourse for racing with horses, or adjacent thereto, on the days on which races take place.

Small gaming parties. By virtue of the Betting and Gaming Act 1960, ss. 16, 20 and the Small Lotteries and Gaming Act, 1956 s. 4, small gaming parties are not unlawful provided that:

(1) they are games of chance or chance and skill combined at entertainments for raising money which is not for private gain, and

(2) not more than one payment (not exceeding 5/-) is made for entrance fee or stake, etc.. by each player: not more than one distribution of prizes (total not exceeding £20) is made: whole proceeds less expenses are not applied for private gain: expenses must not exceed reasonable cost of the facilities provided.

If two or more of such entertainments are given by the same persons in the same place on any day, this section applies as if they were one entertainment.

If several such entertainments in series take place on several days the prizes may total up to £100. See Lotteries and Gaming Act 1962 at the end of this Chapter.

Gaming in Licensed Premises and Refreshment Houses

Licensing Act, 1953, s. 141. The holder of a Justices' licence shall not suffer any gaming which is unlawful by virtue of Part II

of the Betting and Gaming Act, 1960, to be carried on in his premises. Summary offence punishable by fine.

Refreshment Houses Act, 1860, s. 32, makes it a summary offence for any person licensed under the Act to keep a refreshment house, to knowingly suffer gaming which is unlawful by virtue of Part II of the Betting and Gaming Act, 1960.

Cheating at Play. Gaming Act, 1845, s. 17, declares that every person who, by any fraud or cheating, in playing with cards, dice, or other game, or in taking part in the stakes or wagers, or betting on the players, or in wagering on the event of any game, sport, pastime, or exercise, wins from any other person any money or valuable thing, shall be deemed guilty of obtaining same by a false pretence with intent to cheat or defraud. See " False Pretences ", Chap. 14.

Lotteries and Prize Competitions. A lottery is a distribution of prizes by lot or chance.

The Betting and Lotteries Act, 1934, directs as follows: All lotteries are unlawful (s. 21), but the following shall be deemed not to be unlawful provided the prescribed conditions are observed:

- (1) Small lotteries incidental to certain entertainments (s. 23).
- (2) Private lotteries (s. 24).
- (3) Lotteries of Art Unions (s. 25).
- (4) Small lotteries for charitable, sporting, etc., purposes
(Small Lotteries and Gaming Act, 1956). Also see sections 21, 23, 24 and 25 of the Betting and Gaming

It shall be an offence for any person in connection with any lottery in Great Britain or elsewhere, to print tickets; to sell or distribute tickets or to offer or advertise or have them in possession for this purpose; to print, publish, distribute or have for publication or distribution any advertisement or list of prize winners or descriptive matter relating to the lottery calculated to act as an inducement to persons to participate in the lottery or other lotteries; to bring or invite to send into Great Britain for sale or distribution any ticket or advertisement; to send or attempt to send out of Great Britain the proceeds or records of such tickets; to use or knowingly permit the use of any premises for lottery purposes; to cause or procure or attempt to procure any person to do any of the above acts.

It shall be an offence for which proceedings can be directed only by the Director of Public Prosecutions, to publish in a newspaper (or other periodical publication) any such matter descriptive of a lottery as is calculated to act as an inducement to persons to participate in a lottery. It shall be a defence in a prosecution to prove that the lottery in question was one declared by this Act not to be unlawful and that defendant reasonably

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believed that none of the prescribed conditions had been broken (s. 22). See also s. 5, Small Lotteries and Gaming Act, 1956, and Betting and Gaming Act, 1960.

Small Lotteries promoted as part of bazaars, sales of work, fetes, dinners, dances, sporting or athletic events and other entertainments of a similar character shall be deemed not to be unlawful lotteries, but all the following conditions shall be observed:

(a) The whole proceeds of the entertainment and lottery, after deducting the expenses of the entertainment (excluding the expenses of the lottery), the printing of the lottery tickets, and not more than ten pounds expended on lottery prizes, shall be devoted to purposes other than private gain, (i) None of the lottery prizes shall be money prizes. (c) Tickets shall not be sold or issued and the result shall not be declared, except on the premises and during the progress of the entertainment.

(d) The lottery shall not be the only or the only substantial inducement to persons to attend the entertainment.

If any of these conditions are broken every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves the offence was committed without his consent or connivance and that he exercised all due diligence to prevent it (s. 23 as amended by Betting and Gaming Act 1960). See Lotteries and Gaming Act 1962 at the end of this Chapter.

Small Lotteries and Gaming Act, 1956: Under s. 1, certain small lotteries will not be unlawful if:

(1) they are promoted on behalf of a society registered

by the local authority, the society being one established and conducted wholly or mainly for one or more of the following purposes (a) charitable (b) athletic games or sports (c) other purposes which are not for private gain or commercial undertakings, and the lotteries are to raise money for such a society. Any purpose for which any society is established or conducted which is calculated to benefit the society as a whole shall not be taken to be a purpose of private gain by reason only that action taken in its fulfilment would result in benefit to any person as an individual (Lotteries and Gaming Act, 1962, s. 1 (2)).

" Local authority " means the council of the county or county borough, etc. (s. 2). " Society " includes club, organisation or association of persons and any separate branch or section of it (s. 1), and

(2) the prescribed conditions are complied with (non-compliance will be an offence). They number 13 and include: no prize to exceed £100 and no ticket to cost more than 1/-; total value of tickets sold not to exceed J6750: no public advertising: proceeds less expenses (not to exceed 10%) to go to the Society (s. 1).

Full return of the proceeds, etc., shall be made by the promoters to the local authority (s. 3).

Private Lottery means a lottery in Great Britain which is promoted for, and in which the sale of tickets is confined to, either (a) members of one society, club or other association established and conducted for purposes not connected with gaming, wagering or lotteries (each local branch of a society to be reckoned as a separate and distinct "society"), or (b) persons who work on the same premises, or (c) persons who reside on the same premises; and which is promoted by persons to whom, under the terms of the section, tickets may be sold. In the case of a "society" the lottery must be authorised in writing by the governing body of the society. Such a society under the Act means a small local society and not one extending over a large area (*Keehan v. Walters* (1948)).

Such a private lottery shall be deemed not to be an unlawful lottery, but all the following conditions shall be observed:

devoted to prizes, or in the case of a society, to prizes or to purposes of the society, or to both.

(6) No notice or advertisement of the lottery shall be given except a notice on the premises and particulars on the tickets.

(f) The price of every ticket shall be the same and shall be stated on the ticket.

(d) Every ticket shall bear the name and address of each of the promoters, a statement of the persons to whom sale is restricted, and a statement that any prize won shall be given only to the person to whom the winning ticket was sold by the promoters. No prize shall be delivered except in accordance with that statement.

(e) No ticket shall be issued except by way of sale and on, receipt of the full price, and no money, etc., so received by a promoter shall be returned.

(f) No tickets shall be sent through the post. If any of the above conditions are broken, each promoter and each person breaking a condition, shall be guilty of an offence, but it will be a defence for a promoter to prove that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent it (s. 24).

Lotteries of Art Unions, promoted and conducted in accordance with the Art Unions Act, 1846, shall be deemed not to be unlawful lotteries (s. 25).

Prize Competitions are restricted to the extent that it shall be unlawful to conduct in or through any newspaper (or other periodical publication, s. 28), or in connection with any trade or business (except pool betting or sponsored pool betting), or the sale of any article to the public:

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(a) Any competition offering prizes for forecasts of the result either of a future event or of a past event the result of which is not yet ascertained or not yet generally known.

(6) Any other competition success in which does not depend to a substantial degree upon the exercise of skill.

Contravention of above is an offence, without prejudice or liability to prosecution under the other provisions of this part of the Act relating to lotteries (s. 26). The sale of football pool competition coupons by a newspaper and tobacconist shop was held not unlawful as the sale was not in connection with the trade or business (*I.T.P. London, Ltd. v. Winstanley* (1947)).

General. Subsections 1, 4 and 5 of s. 27 of the Betting and Gaming Act, 1960, shall, where applicable, have the same effect

as they have in relation to an offence under the 1960 Act.

Any offence under this Part II of the 1934 Act is punishable either on summary conviction (fine up to £100, second offence, fine up to £200 and (or) up to three months' imprisonment), or on indictment (fine up to £500, second offence, fine up to £750 and (or) one year's imprisonment).

The importation for publication in the United Kingdom of any advertisement or notice relating to a lottery is prohibited (Revenue Act, 1898, s. 1). Any such material is forfeited and may be disposed of by the Customs Authorities.

See "Smuggling", Chap. 26.

Betting on Tracks. Under the *Racecourse Betting Act, 1928*, the Horserace Totalisator Board (as it is now called by virtue of the Betting Levy Act, 1961) was established (s. 2 1928 Act as amended) and is empowered to grant and revoke certificates of approval in respect of racecourses (s. 3). This Board may authorise a totalisator (or other betting machine of a like nature) on an approved racecourse, and the Board has exclusive rights with regard to pool betting business and "totalisator odds" betting business on a recognised horse race (Betting and Gaming Act, 1960, s. 11).

Betting and Lotteries Act, 1934, Part I, amends the law on this subject, (which has been further amended by the Betting and

In this Act "track" means premises on which races of any description, athletic sports or other sporting events take place.

"Bookmaker" means any person other than the Board who, whether on his own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pool betting operations, or who by way of business in any manner holds himself out, or permits himself to be held out, as a person who receives or negotiates bets or conducts such operations, so, however, that

a person shall not be deemed to be a bookmaker by reason only of the fact (a) that he carries on, or is employed in, sponsored pool betting business; or (b) that he operates, or is employed in operating a totalisator; and the expression "bookmaking" shall be construed accordingly. (Betting and Gaming Act, 1960, s. 28.)

"Totalisator" means the totalisator or pan mutuel or any other machine or instrument of betting of a like nature whether mechanically operated or not.

"Dog race" means a race in which an object propelled by mechanical means is pursued by dogs (s. 20).

The councils of counties and county boroughs (or their committees) shall be the licensing authorities for their areas, empowered to grant licences under the Act, authorising betting facilities on tracks (s. 5).

Two months' notice of application for licence shall be given, to the Chief Officer of Police and certain persons (on giving seven days' notice) are entitled to object to the grant (s. 6).

The licensing authority have power to refuse a licence for certain prescribed reasons (s. 7).

Special provision is made as regards the grant of first licences for existing tracks and the making of a false declaration to obtain such a first licence will be an offence (s. 8).

First licences for existing tracks will be for 5 years (s. 8), and for other tracks 7 years (s. 9), unless revoked for disorderly conduct, alteration of the track, illegal use of a totalisator, or conviction of managers (s. 16).

S. 1: Betting by bookmaking or by totalisator (which includes facilities for pool betting) shall not take place on any track on more than 104 days in any year nor on Good Friday, Christmas Day or Sunday.

These 104 days will be known as "appointed days", and the same 104 days shall be fixed by the licensing authority, for the whole of their area, for the year beginning July 1 (s. 10).

S. 2: Bookmaking shall not be carried on on any track unless the occupier holds a licence in force under this Act authorising betting facilities on the track.

However, this prohibition shall not apply to:

(a) An approved horse racecourse on any day on which it is used only for horse races, or

(b) Any track on which bookmaking has not been carried on on more than seven previous days in that year beginning July 1, provided that seven days postal notice of the intended bookmaking has been given to the chief officer of police by the

Bookmaking shall not be carried on on any licensed track on any day which is not one of the "appointed days" of the licensing

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S. 3: Pool betting business shall not be carried on on any track except

(a) On an approved racecourse, by authority of the Horserace Totalisator Board, or

(fc) On a licensed track being a dog racecourse, and then only in accordance with the provisions of this Act. (See ss.

4
and 11.)

Save as permitted above, no person shall use any premises whether on a track or not, or cause or knowingly permit any such premises to be used, as a place where persons resorting thereto may effect pool betting transactions. However, in the case of a licensed betting office this shall not apply to the use of that office for sponsored pool betting (Betting and Gaming Act, 1960, s. 4 (1)).

If the holder of a bookmaker's permit or of a betting agency permit is convicted of an offence under the above sections 1-3 the court may order that his permit shall be forfeited and cancelled (Betting and Gaming Act, 1960, s. 8).

S. 4: Betting by bookmaking or totalisator shall not take place on any day on a dog racecourse in connection with more than 8 dog races, and is restricted also to one continuous period not exceeding 4 hours. However, the licensing authority shall fix four of the " appointed days ", to "be the same for the whole of their areas and to be known as the " special appointed days ", on any of which there may be sixteen dog races and betting for eight hours in the aggregate.

S. 11: On any licensed track being a dog racecourse, a totalisator may be set up and on any appointed day, while the public are admitted and no other sporting events are taking place on the track, it may be operated for betting with persons resorting to the track, on dog races run on that track on that day.

While it is being thus lawfully operated bookmakers as such shall not be excluded from the track and space for bookmaking shall be afforded them.

Any such totalisator on a dog racecourse shall comply with the Regulations of the Secretary of State, shall be a mechanically or electrically operated apparatus, and shall be operated in accordance with the provisions of the First Schedule to the Act. The occupier of the track shall have the exclusive right to authorise any person to cany on pool betting business on a dog race or to take bets at " totalisator odds " on dog races (Betting and Gaming Act. 1960, s. 12).

S. 12: S. 1 (2) of the Betting and Gaming Act, 1960, shall not apply to anything done on any track which is not an approved horse racecourse on any day on which bookmaking may lawfully be carried on, but the grant of this facility shall not affect the operation of this 1960 Act in relation to the use by a bookmaker for the purposes of his business

(a) Of any permanent structure other than a structure used by him in common with members of the public, or

(6) Of any position on the track specially reserved for his use by the occupier of the track.

S. 13: Limits are prescribed to the charges which may be made to bookmakers and their assistants for admission to tracks to

S. 14: The occupier of a licensed track or his servant or agent or any person holding an interest in the track shall not directly or indirectly engage in bookmaking on that track.

S. 17: The occupier of a licensed track is not required to permit betting thereon at any time at which no totalisator is being operated on that track.

S. 19: Any person authorised in writing by the licensing authority and any constable, may at all reasonable times enter upon any track to see whether this Act is being complied with. It will be an offence to obstruct him.

Contravention of the provisions of the Act will be an offence punishable summarily (fine and on subsequent conviction fine

ment (fine and on subsequent conviction fine and (or) imprisonment up to one year at the most).

prevent it.

Pool Betting Act, 1954. Under s. 11 of this Act "pool betting business" means a business involving the receiving or negotiating of "bets made by way of pool betting" (as meant in the Finance Acts, (No. 2) 1947, 1948, 1950, 1952, 1961) and the Act does not affect a totalisator on a licensed dog track.

A promoter of such a business must register with the council of the county or county borough where he carries on that business (s. 1). Such council shall appoint an accountant (s. 2). He must

Act, 1960. s. 13).

He must be supplied with the rules of the competitions and such business shall be the promotion of competitions for prizes for making forecasts as to sporting or other events, the stakes and winnings must be wholly in money, and the business must comply with the requirements of the Act as to rules, publicity, information to the accountant, etc. (ss. 3, 4).

It shall be an offence to carry on such a business unregistered or to obstruct the accountant or to fail to comply correctly with his requirements or to contravene the provisions of the Act. An offence may involve the penalties under s. 30, Betting and Lotteries Act, 1934. and s. 27 of the Betting and Gaming Act. 1960,

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on prosecution by the council concerned (s. 8 Pool Betting Act, 1954).

The receiving or negotiating by a person registered under the Pool Betting Act, 1954, of bets made by way of pool betting does not necessitate such person to be the holder of a "bookmaker's permit" (Betting and Gaming Act, 1960, s. 2).

Nothing in s. 3 of the Betting and Gaming Act, 1960, shall apply to the receiving or negotiating by any person as servant or agent to a person registered under the Pool Betting Act, 1954, of bets by way of pool betting.

Lotteries and Gaming Act, 1962. In construing any of the following enactments (which relate to the legalisation of certain lotteries or gaming where the proceeds thereof are applied to purposes other than purposes of private gain) viz.:

(a) s. 23 of the Betting and Lotteries Act, 1934,

(b) s. 4 of the Small Lotteries and Gaming Act, 1956,

(c) ss. 17, 20, 23 of the Betting and Gaming Act, 1960,

proceeds of any entertainment, lottery, gaming or amusement promoted on behalf of a society to which s. 1 (1) of the 1962 Act extends, which are applied for any purpose calculated to benefit the society as a whole shall not be held to be applied for purposes of private gain by reason only that their application for that purpose results in benefit to any person as an individual (s. 1 (1)).

For the purposes of the provisions mentioned in paragraphs (b) and (c) above, where any payment falls to be made by way of a hiring, maintenance or other charge in respect of a gaming machine within the meaning of s. 17 of the Betting and Gaming Act, 1960, or in respect of any equipment for holding a lottery or gaming at any entertainment, then, if, but only if, the amount of that charge falls to be determined wholly or partly by reference to the extent to which that or some other such machine or equipment is used for the purposes of lotteries or gaming, that payment shall be held to be an application of the stakes hazarded or proceeds of the entertainment, as the case may require, for purposes of private gain, and accordingly any reference in those provisions to expenses shall not include a reference to any such charge falling to be so determined, (s. 1 (3)).

Section 1 (1) of the Act extends to any society which is established and conducted either (a) wholly for purposes other than purposes of any commercial undertaking, or (b) wholly or mainly for the purposes of participation in or support of athletic sports, or athletic games; and in section 1 of the Act the expression society includes any club, or association of persons by whatever name called and any separate branch or section thereof, (s. 1 (4)).

PUBLIC ENTERTAINMENTS

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Theatres. A theatre or place used for the public performance of stage plays, under the conditions laid down by the Licensing Authority, but authorised by the Licensing Authority.

Theatres Act, 1843, s. 2 : It is unlawful for any person to have or keep any house or other place of public resort for the public performance of stage plays, without authority by letter patent from the Crown, or by licence from the Lord Chamberlain (London and its boroughs), or by licence from the County or Borough Council (which may delegate its licensing powers to a committee).

An offender is liable on summary conviction to a fine of £20 for

S. 23 : " Stage-play " includes every tragedy, comedy, farce, opera, interlude, melodrama, pantomime or other entertainment of the stage or any part thereof, but does not include a theatrical representation in any booth or show allowed in any lawful fair or meeting of the like kind.

Ss. 7 and 9 : A licence may only be granted to the actual responsible manager of the theatre, and the licensing authority may refuse to grant a licence to any person who has been convicted of an offence under this Act.

conviction. If money or other reward is charged for admission or if intoxicating liquor is sold in the place, every actor therein is deemed to be acting for hire.

The occupier of a booth or portable theatre is not liable under s. 2, but the performers may be liable under s. 11.

Ss. 12-15 : Every new play and every addition to an old play must be submitted to the Lord Chamberlain seven days at least before its performance.

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before it is acted. The Lord Chamberlain has power to disallow such play or part of a play, and may forbid the acting of any play or part of a play.

Acting or causing to be acted any new play or part of a play before it has been so allowed or after it has been disallowed, or acting or causing to be acted any play which has been forbidden is a summary offence punishable by fine, and the theatre licence may by order of the Court become void or be suspended under s. 43 of the Criminal Justice Act, 1925.

duly licensed theatre to take out an excise licence, subject to the local permitted hours, for the retail sale of beer, spirits and wine, without the necessity of having a Justices' licence. (See Licensing Act, 1953, s. 164). However, the theatre Licensing Authority may in granting a theatre licence impose a condition that no excise licence be applied for. See " Excise Licences and Law ", Chap. 38.

Theatrical Employers Registration Act, 1925. This Act renders it necessary for every theatrical employer to register with has no fixed place of residence he may register with any such Council (s. 3).

Every such Registration Authority keeps a register, open to the public inspection on payment of a fee, and every registered theatrical employer is supplied with a certificate of registration

" *Theatrical Employer* " means any person who by himself or any agent engages or employs at any one time three or more theatrical performers (s. 13). However, this Act does not apply

(1)
for music and dancing, and

(2) Any person who, not for gain or in the way of business, employs or engages theatrical performers for charitable objects or other similar purposes (s. 11).

" *Theatrical Performer* " includes any actor, singer, dancer, acrobat, or performer employed in any place of public entertainment, or to rehearse with a view to so acting, etc., or to take part in anything being photographed or otherwise recorded as a picture suitable or intended for exhibition by means of a cinematograph or other similar apparatus. It also includes all persons employed or engaged as a chorus or crowd, but does not include stage hands and members of an orchestra (s. 13).

Offences by a Theatrical Employer under s. 10 of the Act.

(1) To abandon the theatrical performers during the course of their engagement. He will be deemed to have abandoned

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them if he absents himself without paying all wages and expenses due to them, unless he proves his absence was not with that intent (see *a. 5 (2)*).

(2) To act as a theatrical employer without being registered.

(3) To supply false, misleading or incorrect particulars to the Registration Authority, or fail to inform that authority of any change of circumstances.

(4) To apply for registration while his registration is suspended or cancelled, but under s. 9 he may apply three years after cancellation.

(5) To fail to produce a certificate (if any) or to produce a false certificate, to any Court dealing with a charge under this Act.

(6) To apply for registration on behalf of a company or firm of which any person whose registration has been suspended or cancelled is a director, manager, partner, etc. (see s. 5 (1)).

(7) After his registration has been cancelled and has not been renewed, to act as agent for any other theatrical employer.

A Magistrates' Court may fine and imprison for any of the above offences and may also suspend for a period or cancel the registration (s. 6).

A Magistrates' Court may also cancel or suspend registration when it is satisfied that a theatrical employer has deliberately failed to pay money due to theatrical performers (s. 7).

The Theatrical Employers Registration (Amendment) Act, 1928, allows a registration authority to take proceedings for any offence under the 1925 Act, to apply for the suspension or cancellation of a registration, and to oppose the renewal of any cancelled registration. Where an applicant for registration or a registered person has been convicted of any offence involving dishonesty and has been sentenced to prison, the registration authority may refuse his application or cancel or suspend his registration, but if so such person may appeal to a Magistrates' Court.

Cinematograph Acts. The 1909 Act, as amended and supplemented by the 1952 Act deals with the licensing and safety of cinemas.

Subject to the exceptions in s. 7 of the 1909 Act and to those provided in the 1952 Act, the Acts and Regulations thereunder apply as respects all cinematograph exhibitions whether given by means involving the use of inflammable or non-inflammable films or by means not involving the use of films (s. 1, 1952 Act).

" Cinematograph exhibition " means an exhibition of moving pictures produced on a screen by means which include the projection of light (s. 9, 1952 Act).

No cinematograph exhibition shall be given unless the Safety

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Regulations are complied with, or, save as otherwise provided by the Act (s. 1, 1909 Act as amended by Sched., 1952 Act).

Licences. A county or borough council may grant such licences or their transfers. A licence may be for a year or for a shorter period, and may be subject to any conditions or restrictions as may be prescribed. For a licence or transfer seven days written notice to the licensing authority and to the chief officer of police is necessary, but notice for a renewal is not necessary (s. 2, 1909 Act amended by Sched., 1952 Act). Without prejudice to any other powers of delegation to committees, district councils, etc., a council may delegate these licensing powers to Justices sitting in petty sessions (s. 5, 1909 Act).

Note. Such Justices therefore will not act as a court of summary jurisdiction.

The Lord Chamberlain may license premises for this purpose

Any Act which restricts or regulates premises for public entertainment or amusement shall not apply to premises or ships used,

controlled entertainments and this includes music, etc., plays and cinematograph exhibitions (Revision of the Army and Air

Music and dancing licences are not required for cinematograph

introduction or in intervals of such an exhibition shall be treated as music accompanying the exhibition if the time taken is less than one quarter of the total time of the exhibition on that day

Children. The licensing authority in granting a licence shall impose conditions or restrictions prohibiting the admission of children (persons under 16, 1952 Act, s. 9) to exhibitions designated as unsuitable for children. The authority should also consider

of children to other cinematograph exhibitions showing works designated as of some other description (s. 3, 1952 Act).

Subject to the provisions of this Act no premises shall be used, except with the *consent* of the licensing authority for a cinematograph exhibition organised wholly or mainly as an exhibition for children. The authority may impose special conditions or restrictions on the grant of the consent (s. 4, 1952 Act).

The "consent" is a sort of licence; seven days notice is necessary : there are powers of entry : penalties may be incurred,

At such an exhibition a prescribed number of attendants (aged 16 and over) must be present. At any cinematograph exhibition no child under 5 shall be admitted unless in charge of a

person aged 16 or over and no child under 12 shall be admitted after 7 p.m. unless in charge of a person aged 16 or over (Cinematograph (Children) (No. 2) Regs., 1955 which apply to exhibitions other than those in private dwelling houses to which the public are not admitted and exempted exhibitions. See Reg. 1).

Exemptions from licence. When such an exhibition is proposed on premises used occasionally and exceptionally only and not more than on six days in a year for such purpose a licence will not be necessary if the occupier gives 7 days notice to the licensing authority and to the chief officer of police and complies with the Safety Regulations and any conditions imposed by the licensing authority (s. 7 (2), 1909 Act). However see Safety Regs. 28 (necessity for licence), Regs. 29 to 34. Also Regs. 35 to 42, where inflammable films are used.

Where such an exhibition is proposed in a moveable structure a licence will not be necessary if the owner has a licence for the structure granted by his own licensing authority and he gives two days written notice to the licensing authority and to the chief officer of police and complies with the Safety Regulations and any conditions imposed by the licensing authority (s. 7 (3), 1909 Act).

However if inflammable films are used the Safety Regs. 1 to 34 will apply and also the requirements in Safety Regs. 35 to 42, if no inflammable films are used.

If such an exhibition is given in a private dwelling house to which the public are not admitted whether on payment or other-

29 to 34 if inflammable films are used.

" Exempted exhibitions " are those to which the public are not admitted or to which the public are admitted without payment (s. 5, 1952 Act). Several exemptions are allowed by this section 5,

films are used. This s. 5 should be studied in full.

Also an " exempted organisation ", which is one certified as not conducted or established for profit may have an exempted exhibition under the s. 5 of the 1952 Act.

Powers. A constable or any person appointed by the licensing authority may at all reasonable times enter any premises whether licensed or not, in which he has reason to believe that a cinematograph exhibition is being or is about to be given so as to see that the Acts or Regulations or the conditions of any licence have been complied with.

Any person preventing or obstructing the entry of such constable or person will commit a summary offence, fine up to £50 (s. 4, 1909 Act).

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The owner of apparatus using it or allowing it to be used or the owner of premises allowing premises to be used in contravention of the Acts or Regulations or of the conditions or restrictions of any licence granted, will commit a summary offence punishable by fine (s. 3, 1909 Act). Any person aggrieved by the refusal or revocation of a licence or consent or by any terms, conditions or restrictions imposed may appeal to Quarter Sessions (s. 6, 1952 Act).

Regulations. The Cinematograph (Safety) Regs., 1955 and 1958, contain requirements in Part I (Regs. 1 to 27), generally in connection with such exhibitions, re seats, exits, attendants, fire, lighting, etc. : in Part II (Regs. 28 to 34), additional where inflammable films are used ; in Part III (Regs. 35 to 42), where premises are so used only occasionally; in Part IV (Regs. 43 to 47), in connection with television exhibitions; in Part V (Regs. 48 to 51), miscellaneous.

The Cinematograph Films (Animals) Act. 1937, prohibits the public exhibition of film scenes involving cruelty to animals.

Music, Singing and Dancing. The general rule is that in cities and towns it is necessary for any person who habitually keeps or uses any house, room, garden or other place, for public dancing, singing, music or other entertainment of the like kind, to have a licence for music and dancing.

The requirements of the law vary according to the locality, as follows :

(1) London and the surrounding area within twenty miles, including Middlesex and Surrey. Within this area licences are necessary and are issued by the Local Councils concerned.

(2) The rest of England and Wales over twenty miles distant from London and outside Middlesex and Surrey. In cities

and boroughs where Part IV of the Public Health Acts Amendment Act, 1890, has been adopted, or in areas where local Acts or Orders on the subject are in force, licences are required. In other parts of the country licences are not necessary.

See

Paterson's Licensing Acts, Chap. 15.

Public Health Acts Amendment Act, 1890, Part IV, s. 51, requires that any house, room, garden, or other place, whether licensed or not for the sale of intoxicants, shall not be kept or used for public dancing, singing, music or other public entertainment of the like kind, without a licence for the purpose from the Justices. The Justices, sitting in Licensing Sessions, may grant, transfer or renew licences for a year or less period, under such terms and conditions and subject to such restrictions as they may determine. Premises licensed for the sale of liquor will not need a music and dancing licence for recorded music, or wireless or television broadcasts, or for music or singing by not more than two performers (Licensing Act. 1961. s. 23 (2)).

No notice need be given of an application for renewal of a licence. Justices in Petty Sessions may grant without notice a temporary licence for a period not exceeding fourteen days. A notice

on the door or entrance of every place so licensed, and such premises must not be opened for such purpose except on the days and during the hours stated in the licence.

Any house or place kept or used for any of these purposes without a licence shall be deemed a disorderly house and the

prosecute see " Public Health Acts ", Chap. 39. If a licence holder licence was granted, he is liable to a fine of £20 and a daily penalty

other place opened or used for public entertainment or amuse-

may be deemed a disorderly house or place. The persons responsible may be liable to summary prosecution under s. 51 of the Public Health Acts Amendment Act, 1890, if the section is in force in the locality. But see " Sunday Entertainments", later.

A licence is not required for public singing, dancing, music, stage plays or cinema exhibitions in authorised naval, military and air force recreation rooms, which may be so used on any day (Revision of Army and Air Force Acts (Transitional Provisions) Act, 1955, s. 4 and Sched. 3). If a public swimming bath is used

or other public entertainment of the like kind, the necessary licence must be obtained (Public Health Act, 1936, s. 226).

Billiards. A billiard licence under the Gaming Act, 1845, is necessary for every house, room, or place, kept for public billiard playing or where a public billiard table or bagatelle board or instrument of like kind is kept at which persons are admitted to play, except in the case of a fully licensed public house, which under this Act is not required to have a billiard licence.

Gaming Act, 1845, s. 10 : The Justices may grant billiard licences at the usual general annual licensing meeting. Notice similar to that given in liquor licensing applications is necessary

S. 11 : Any person keeping a public billiard table or bagatelle

to the penalties provided by paragraphs (a) and (b) of subsection (3) of s. 27 of the Betting and Gaming Act, 1960. or any person so licensed for billiards who does not keep the words " licensed

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for billiards " near the door and on the outside of his premises, is liable to a fine of £10.

S. 12 : A licensee is liable to summary punishment for any breach of the conditions of his licence. The conditions include the prevention of drunkenness or other disorderly conduct on the premises.

a public billiard table must not allow any person to play at such table or instrument between 1 a.m. and 8 a.m. or at any time on Sundays, Christmas Day, Good Friday, or any days of public fast or thanksgiving. However, a publican having a public billiard table may allow play on such table on the days mentioned, but not between 1 a.m. and 8 a.m. on any day (Licensing Act, 1961,

S. 14 authorises the police to enter at any time any house, room, or place, where any public billiard table or instrument of the like kind is kept for play and it is a summary offence to refuse admittance. See " Billiards," Chap. 38.

Public Libraries. Libraries provided for the use of the public under the Public Libraries Act, 1892, and libraries and reading rooms provided by registered societies must be quietly and properly used by persons.

Under the Libraries Offences Act, 1898, any person, who in any public or authorised library, to the annoyance or disturbance of anyone using the same

- (1) Behaves in a disorderly manner.
- (2) Uses violent, abusive or obscene language,
- (3) Bets or gambles, or
- (4) Remains beyond closing hours, after warning,

is liable to a fine of £2 on summary conviction.

Malicious damage to books and other property in a library is a misdemeanour under s. 39 of the Malicious Damage Act, 1861.

Ingress and Egress. Under the Public Health Act, 1936, s. 59, certain public and other buildings shall have such means of
deem satisfactory, regard being had by them to the purposes for

persons likely to resort thereto at any one time.

These buildings include any theatre and any hall, etc., used as a place of public resort ; any restaurant, shop, store or warehouse to which the public are admitted and in which more than twenty persons are employed ; any club which should be registered under the Licensing Act, 1961; any school not exempted ; any church or place of public worship dating before 1890, or exempt before this Act.

(The section does not apply to a private house to which the public are admitted occasionally or exceptionally).

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REGULATIONS

Note on Sunday Observance Acts. The 1625 Act ordered fines on persons attending plays or other unlawful pastimes on Sundays.

ordinary
callings (except from charity or necessity), or publicly selling goods on Sundays (but see "Shops," Chap. 32). The 1780 Act prescribed penalties for the Sunday opening or using for public entertainment or amusement or for debating, of any

payment. Such a
house or place is to be deemed a disorderly house. The advertising of same is also an offence.

Hypnotism Act, 1952. Where an authority has power to grant licences for public music, singing and dancing (see previously) it has power to attach to the licence conditions regulating or

No person shall perform hypnotism on any living person at any public entertainment at any unlicensed place unless authorised by the authority to grant music, etc., licences in the area, or by

District in a place where there is no authority having power to grant music etc., licences (s. 2).

It will be a summary offence to hypnotise any person under 21 at any public entertainment (s. 3).

"Hypnotism" includes mesmerism and any similar process to produce induced sleep or trance in any person but does not include self induced hypnotism (s. 6).

entertainment is held on reasonable cause to believe that a

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Grant of licences		Seamen's Canteens . .
Renewal of licences		
Transfer of licences		
Removal of a licence		
Appeal		
Register of licences		Licensing, Carlisle District
Disqualified persons		Licensing, New Towns
Premises		Methylated Spirits . .

Licensed Premises and Intoxicating Liquor. A person must not sell intoxicating liquor without an excise licence if the Commissioners of Customs and Excise. Every excise licence holder has to pay duty on his licence, and the Customs and Excise Act, 1952, renders liable to heavy fine any person who makes deals wholesale in, or sells by retail intoxicating liquor with the necessary excise licence. The Licensing Act, 1953, s. 1 directs that, subject to the provisions of the Act, a person must sell or expose for sale by retail any intoxicating liquor unless holds a Justices' licence authorising him to hold an excise licence; for such sale, and that he must not so sell or expose for sale elsewhere at the place authorised by the Justices' licence.

Therefore, the general rule is that before a person may legally sell by retail intoxicating liquor, he should have a Justices' licence allowing him to sell same on certain definite premises, and possession of such licence allows him to take out the necessary retailer's licence from the Excise which will become void if Justices' licence is forfeited or becomes void or expires (Customs and Excise Act, 1952, s. 150).

It is the duty of the police to enforce the provisions of the Licensing Acts, which provide for the licensing of premises

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the Justices, for the regulation of such licensed premises, and for the orderly conduct of persons in connection with licensed premises and intoxicants.

The most important of these Acts are the Licensing Acts of 1872 and 1902, and the Licensing Acts, 1953 and 1961.

In this chapter " 1953 " indicates the Licensing Act, 1953, " 1961 " the Licensing Act 1961, and " club " means registered club.

" Intoxicating Liquor " means spirits, wine, beer, porter, cider any fermented, distilled or spirituous liquor which cannot be

and Excise Act, 1952, s. 307).

" Licensed premises " under these Acts are regarded as premises in respect of which a Justices' licence has been granted and is in force and the provisions of the Acts with respect to licensed

is sold by retail under a licence (see 1953, s. 165).

The Justices may grant a licence for premises within the area specified kind or kinds of intoxicating liquor. Such premises in addition take out an excise licence, as he cannot sell under the Justices' licence alone which is an authority to enable him to

Justices' Licences. These licences are as follows :

(1) Publican's licence or spirits on-licence, authorising sale

on or off the premises. This is known also as a " full " licence.

(2) Beerhouse licence or beer on-licence, giving same rights with respect to beer and cider.

(3) Wine on-licence, giving same rights with respect to wine

(4)

(5) Sweets on-licence, giving same rights with respect to sweets.

(6) Spirits off -licence, authorising the sale by retail of

spirits (viz. spirits of any description such as whisky, gin, etc.) for consumption off the premises, but not in open vessels

(7) Beer off-licence, authorising the sale by retail of beer and cider for consumption off the premises.

(8) Wine off-licence, giving a similar right with respect to wine and sweets provided that they are not sold in open vessels.

(9) Cider off-licence, giving a similar right with respect to

(10) Sweets off-licence, giving a similar right with respect to sweets.

(11) A restaurant licence (1961).

(12) A residential licence (1961).

(13) A residential and restaurant licence (1961). (In this chapter referred to as a "combined" licence.)

The last three licences listed above are more fully described under the heading "Restaurants and Guest Houses" on p. 484. It is also now possible to obtain a Justices' licence for a club in certain circumstances see "Licensing of club premises" on p. 506.

"Spirits" means spirits of any description and includes all liquors mixed with spirits and all preparations made with spirits except methylated spirits (Customs and Excise Act, 1952, s. 307).

The expression "sweets" in the Licensing Acts means any liquor made from fruit and sugar, or from fruit or sugar mixed with any other material, and which has been fermented, and includes British wines, made wines, mead and metheglin (Customs and Excise Act, 1952, s. 307).

Any of the licences numbered 1-5 and 11-13 above and also Justices' licences for clubs may be granted as a seven-day licence, or as a six-day licence (viz. to be kept closed on Sundays) (1953, s. 109) or as an early closing licence (viz. to close at night one hour earlier than the usual closing hour), or as a six-day and early closing licence (1953, s. 110).

Forgery of a Justices' licence or knowingly tendering a forged licence is a serious offence (1953, s. 46).

Excise Licences and Law. The Customs and Excise Act, 1952, has consolidated with amendments much of the law relating to customs and excise.

S. 5 : It will be the duty of every constable and every member of H.M. armed forces or coastguard to assist in the enforcement of the law relating to any assigned matter (that is every duty which by law has to be performed by the Customs and Excise,

Obstruction of or interference with any person acting under the Act is a serious offence and the offender may be detained (s. 10). The following excise licences relating to intoxicants do not need to have the authority of Justices' licences.

(1) A distiller's excise licence for the manufacture of spirits (s. 93). The unlawful making of spirits incurs a heavy penalty and any person found in the premises or place may be detained (s. 106) by a constable, etc. (s. 274). On reasonable grounds of suspicion that a still, spirits, etc., are unlawfully in any building or place a constable may obtain a Justices' search warrant and remove same (s. 296).

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(2) An excise licence for the brewing of beer (ss. 125 to 138).

(3) No person shall make sweets (as denned above) for sale unless he holds an excise licence for that purpose (ss. 139 to 142).

(4) No person shall deal wholesale in spirits, beer, wine or

Dealing wholesale means the sale at any one time to any one person of quantities not less than :

(a) Spirits, wine or sweets 2 gallons or one dozen reputed quart bottles ;

(b) beer 4J gallons or 2 dozen reputed quart bottles (s. 146).

(5) Excise retailer's licence for a naval or military canteen duly authorised (s. 150).

(6) Excise retailer's licence for a properly authorised theatre, (s. 150). See " Theatres ", Chap. 37.

(7) Excise retailer's licence for a passenger aircraft (s. 152 and s. 6 Finance Act, 1960).

(8) Excise retailer's licence for a passenger vessel (s. 153 and s. 6 Finance Act, 1960).

(9) Excise retailer's licence for a railway passenger vehicle

(10) Excise retailer's off-licence to the holder of an excise wholesale dealer's licence (s. 146), if the premises are exclusively used for the sale of intoxicating liquor and mineral waters and there is no internal communication with any other business premises. It does not authorise a sale by retail except to a person holding an excise licence for sale of intoxicants, or to a mess or registered club or for delivery outside Great Britain or to a person engaged in any business carried on by the

(11) Club licences which permit the supply of intoxicating

An excise licence is not necessary for the sale wholesale or by retail of black beer (includes spruce beer, mum, or Berlin white beer, s. 307) (and the Licensing Act, 1953 does not prohibit such

spirits, wine or sweets so medicated as to be medicines; any of spirits of wine for medical or scientific purposes (s. 157);

The following excise licences are granted annually to persons who hold Justices' licences under the Licensing Act.

S. 148 : No person shall sell by retail any intoxicating liquor otherwise than under and in accordance with an excise licence.

Selling by retail means the sale at any one time to any one person of quantities not exceeding :

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(a) Spirits, wines or sweets 2 gallons or one dozen reputed quart bottles.

(6) Beer or Cider 4J gallons or 2 dozen reputed quart bottles.

S. 149 : An excise licence for the sale by retail of spirits, beer, cider, wine or sweets may be granted for a premises, authorising the sale of liquor specified, viz. :

(a) Retailer's on-licence for consumption on or off the premises.

(b) Retailer's off-licence for consumption off the premises only.

A retailer's on-licence for spirits covers sale of beer, cider, wine and sweets as well as spirits.

A retailer's on or off licence for beer covers sale of cider and perry.

A retailer's on or off licence for wine covers sale of sweets.

A retailer's off-licence does not allow sale of spirits or wine or sweets in open vessels.

The Excise charge or duty on its licence is based on the annual value of the premises so licensed and Finance Act, 1911 s. 4 states that " premises " includes any courts, offices, yards and gardens which are occupied and within the curtilage or in the immediate vicinity of the house or place where the liquor is sold, except those not used for the licensing trade. See also Customs and Excise Act, 1952, as amended by Finance Act, 1959.

S. 296 : A customs and excise officer who has a writ of assistance or a Justices' search warrant may enter a place and if necessary break into it, search and remove anything liable to forfeiture under the Act, but entry shall not be made by night (between 11 p.m. and 5 a.m., s. 307) except in the company of a constable.

S. 297 : On reasonable suspicion that any vehicle or vessel is carrying any goods which are chargeable with any duty not paid or which are being unlawfully removed or which are liable to forfeiture under the Acts, a customs and excise officer or constable or member of H.M. armed forces or coastguard may stop and search such vehicle or vessel.

Occasional Licence. On giving 24 hours notice or more to the chief officer of police the holder of a retailer's on-licence (other than the holder of a residential licence) may apply to the local court of petty sessions for two Justices' consent to the grant of an occasional licence for a place other than his licensed premises.

The Justices may consent to the licence for a period and between such hours as may be specified (1953, s. 148). The Justices may grant a licence without a hearing if written application is made at least a month before the occasion for which a licence is required, and provided there is no objection by the police (1961 a. 18 (4)). An occasional licence may not be granted to the holder of a residential licence, but may be granted to the holder of a restaurant

refreshment (1961, s. 4 (5)). When the applicant obtains the Justices' consent the Excise shall grant him an occasional licence

during the period and hours specified in the Justices' consent. This occasional licence shall be produced on request to any excise

The licence shall not authorise sale of intoxicants on Christmas Day or Good Friday or any day of public thanksgiving or mourning (Customs and Excise Act, 1952, s. 151). It may be granted on Sundays (except in parts of Wales where there are no permitted hours for licensed premises on Sundays).

to occasional licences ss. 136, 138 to 142, 151 and s. 12, Licensing Act, 1872.

establishment which offers food, drink and if so required sleeping appears able and willing to pay a reasonable sum for what is provided and who is in a fit state to be received.

or damage to property brought to the hotel except where at the engaged for the traveller and if occurred during the period for which the traveller was a guest (midnight to midnight). Such liability does not extend to vehicles or property therein or to animals.

Such liability will not exceed £50 for one article or £100 in the aggregate except where it was due to the default, etc., of the proprietor or where it was expressly deposited for safe custody or where such deposit was refused, etc. However the prescribed notice (in Schedule to the Act) limiting the liability of the

Such an hotel within the meaning of the Act shall be deemed to be an inn (*s. 1*).

An inn is a house of entertainment for travellers.

Restaurants and Guest Houses. New types of licences have

mid-day or in the evening, or both, for the accommodation of persons frequenting the premises. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person

or at a counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purpose of a table (1961, s. 37).

Residential Licence. This is a licence granted for premises bona fide used, or intended to be used, for the purpose of habitually providing for reward board and lodging, including breakfast and one other of the customary main meals. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to

by them at their own expense, and for consumption by such person or his private friend either on the premises or with a meal supplied at, but to be consumed off the premises (e.g. a picnic-

A person shall be treated as residing in the premises although he sleeps in a separate building, provided it is an annex occupied and managed with the premises (1961, s. 37).

Restaurant and Residential Licence. (In this chapter this yy is called a " combined licence ".) This is a licence granted for premises which satisfy the conditions for a residential and a restaurant licence, as above. Intoxicating liquor shall not be sold or supplied otherwise than as permitted by the conditions of a restaurant licence or of a residential licence (1961, s. 1 (4)).

It is an implied condition of any restaurant, residential or " combined " licence that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served therein (1961, s. 1 (6)).

Licensing Justices when granting a new residential or " combined " licence, unless it appears to them that there is a good reason for not doing so, must attach a condition that there shall be afforded in the premises an adequate sitting room for the use

modation, for the service of meals or the supply or consumption of intoxicating liquor (1961, s. 1 (8)).

Licensing Justices may refuse an application for the grant or renewal of a restaurant, residential or " combined " licence on any of the following grounds: (a) that the applicant is under 21 or is not a fit and proper person, (b) that the premises are not qualified, or are not suitable and convenient for the use contemplated, (c) that within 12 months preceding the application (i) a Justices' on-licence for the premises has been forfeited, or (ii) the premises have been ill-conducted while a Justices' on-licence or a Refreshment House licence was in force, or (iii) the required condition as to sitting accommodation has been habitually broken, or (iv) the condition as to the availability of beverages other than intoxicating liquor has been habitually broken (1961,

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The licensing Justices may also refuse an application for the grant or renewal of a restaurant or "combined" licence if the trade done in the premises in providing refreshment to persons resorting there (excluding residents) does not habitually consist to a substantial extent in providing table meals of a kind to which the consumption of intoxicating liquor might be ancillary (1961, s. 2 (2)).

Licensing Justices may also refuse an application for the grant or renewal of a restaurant, residential, or "combined" licence on the ground that the sale or supply of intoxicating liquor on the premises is undesirable (a) in the case either of a residential or "combined" licence because a large proportion of the paying guests or diners is habitually made up of young persons unaccompanied, or (6) in the case either of a restaurant or "combined" licence because a large proportion of the persons resorting to the premises, but not provided with board and lodging, is habitually

methods, i.e. any method allowing a customer to help himself on payment or before payment. "Young person unaccompanied" means a person under 18 years who is not accompanied and paid for by his parent or by a person of full age (1961, s. 2 (3)).

Billiards. A person who holds a publican's licence (*i.e.* who is fully licensed) may have public billiard tables in his licensed premises without having to take out a billiard licence. He must not allow play thereat between 1 a.m. and 8 a.m. (Gaming Act, 1845, s. 13, Licensing Act 1961, s. 23 (3)). See "Billiards",

Sale of Tobacco. A licensee may take out an excise licence for the sale of tobacco (Customs and Excise Act, 1952, ss. 173 to 194). The Shops Act, 1950, prescribes closing hours and

business is the sale of tobacco and smokers' requisites and which may be open for customers during "closing hours" and on Sundays. Also tobacco may be sold to the audience in theatres, etc., and in liquor licensed premises during permitted hours.

Billeting. Licensed premises are liable, under s. 155 of the Army Act, 1955, to have soldiers billeted (or lodged) in them. See "Billeting," Chap. 30.

Music, etc. In urban districts where Part IV of the Public Health Acts Amendment Act, 1890, is in force, any place used for public music, singing, etc., must be licensed by the Justices. This applies to premises licensed under the Licensing Acts, and public music, etc., must not be given on such premises unless the necessary additional licence has been obtained. See "Music, Singing and Dancing," Chap. 37.

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However, the licensee may have a piano to be used by his customers, etc., but if the room or place is used for the regular musical entertainment, etc., of the public, he should procure a licence allowing such use but such a licence is not required for wireless or television or recorded music or musical performance by one or two performers (Licensing Act, 1961, s. 23 (2)).

The Licensing Justices (a committee of the Justices of the district) deal with the licensing of houses for the sale of intoxicants, but any offence against the Licensing Laws is brought before Justices sitting in an ordinary Magistrates' Court, as the Licensing Justices are not a Summary Court. (*Boulter v. Kent, J. J.* (1897)).

Grant of Licences. New licences may be granted at any April 5 unless forfeited for misconduct. A provisional new on-licence may be granted for premises about to be constructed or in course of construction, but when the building is completed a final order must be obtained (1953, s. 10).

An applicant for a new licence must

(1) Give twenty-one days' written notice to the clerk to the Justices; the chief officer of police; the local authority (in an urban parish, the clerk to the rating authority; in a borough included in a rural district, the town clerk as well as the clerk to the rating authority; and in a rural parish, the clerk of the parish council or chairman of the parish meeting), and to the fire authority. This notice should give applicant's name, address and occupation during the six months preceding (1961,

(2) Not more than 28 days before the licensing sessions,

on or near the place to be licensed, where it can conveniently be read, or if the application is for a provisional grant, on or near the proposed site;

(3) Advertise his application in a local newspaper between 2 and 4 weeks of the hearing.

(4) Deposit a plan of the premises with the clerk to the licensing justices if an on-licence is sought.

The applicant shall attend the hearing in person if so required by the licensing Justices, who may compel the attendance of witnesses or the production of documents. The application may be opposed by any person. Evidence will be given and the licensing Justices will give their decision, granting it with or without

of the licensing Justices may appeal to Quarter Sessions.

A licence lasts from the time of grant to the end of the licensing year (i.e. 4th April), or if granted during the last 3 months of the licensing year, until the end of the following licensing year. (1961, Sched. 4).

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Renewal of Licences. An annual Justices' licence expires annually, and its holder, if he wishes to remain licensed, should apply for its renewal. Licences may be renewed at any Licensing Meeting, but the holders need not attend unless objection is made to the renewal. Notice of intention to oppose the renewal of a licence may be given by any person. Such notice should be in writing and should contain the grounds of opposition. It should be served on the holder of the licence not less than seven days previous to the licensing sessions (1953, s. 11, 1961, Sched. 4).

Even if no written notice of objection has been served, verbal objection may be made at the Licensing Sessions and the Justices may adjourn the consideration of the matter to another day (1953, s. 11). Usually opposition to renewal comes from the police on the

of redundancy (viz. too many licensed premises in the locality). Before renewing an on-licence the Justices may require plans of the premises (s. 11) and may, on renewal, order structural altera-

and there may be appeal to Quarter Sessions against such an

The renewal of an "old" Justices' on-licence which existed on August 15, 1904, and of an old beerhouse licence in force on May 1, 1869, cannot be refused except on the grounds specified in the Act, viz. misconduct, etc., of the applicant, or the disorderly, etc., character of the premises (1953, s. 14).

All evidence with respect to the renewal of a licence must be given on oath (1953, s. 11). Evidence regarding the grant or transfer of a licence may not be on oath if the Justices so decide.

renewal, but when it expires a new licence has to be applied for if required (1953, s. 6). Existing "term" licences will run their course but no new ones may be granted (1961, Sched. 4 and 9).

Transfer of Licences. A transfer means the substitution of one person for another, as holder of the Justices' licence for a certain premises. The Licensing Justices sitting in Transfer Sessions (viz. from four to eight special meetings for the purpose each year) or in a General Annual Licensing Meeting may authorise the transfer of a Justices' licence in respect to certain premises to one person in substitution for another person who holds or has held the licence.

Transfer may be granted only in the following cases:

- (1) Death of licence holder.
- (2) Where the licence holder becomes incapable through illness or other infirmity.
- (3) Bankruptcy of licence holder.
- (4) Where licence holder has given up or is about to give up his occupation of the premises.

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(5) Wilful neglect or omission of occupier of premises (who is about to quit the premises) to apply for a renewal.

(6) Where the licence has been forfeited or its holder disqualified and the owner of the premises has obtained a protection order to carry on the business.

(7) Where the licence is in suspense. (See 1953, ss. 89, 97, 1961, s. 13).

The new licensee must be a fit and proper person to hold a licence (1953, s. 21).

A person desirous of obtaining the transfer of a licence must give 21 days' written notice to the clerk to the Justices, the chief officer of police, the local authority (in an urban parish, the clerk of the rating authority; in a borough included in a rural district, the town clerk as well as the clerk to the rating authority; and in parish meeting).

This notice should give applicant's name, address and occupation

This notice is usually accompanied by a character paper signed by five ratepayers, and the police should verify these signatures and report to the Justices regarding applicant's character.

On death or bankruptcy of the licensee or appointment of a trustee, his personal representative or trustee may carry on the

forfeiture, etc., the Justices in Petty Sessions may grant a **protection** order (or temporary transfer) enabling the applicant to carry on business pending the grant of a transfer at the usual Licensing Sessions. Such an order would enable the owner of the

has forfeited his licence. For such an order a week's written notice to the police (or shorter notice or no notice in case of emergency) will be sufficient. This protection order is made by

A " special removal " may be applied for when licensed premises rendered unfit for licensed purposes by fire, tempest or other

An ordinary removal may be applied for when the licensee wishes to carry on his licensed business in other premises, and the procedure is similar to that to be observed when a person applies for a new licence (1953, s. 25, 1961, s. 12 and Sched. 4).

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There may be a provisional grant of an ordinary removal to premises about to be constructed (1953, ss. 10, 27).

No licence shall be granted by way of removal of a restaurant, residential or " combined " licence. (1961, s. 4(1)).

Appeal. Any person aggrieved by the refusal or grant of a renewal, transfer, or special removal of a Justices' licence or by an order for structural alterations on renewal of licence may appeal to Quarter Sessions (1953, s. 35, 1961, Sched. 4).

if a licensee appeals against forfeiture of his licence on conviction, the convicting court may grant a temporary licence until the appeal ends (1953, s. 156).

Register of Licences. The Clerk of the Licensing Justices (who is the clerk of petty sessions) keeps a register of all Justices' licences granted in the district. This register contains particulars of each licence, convictions of the holders for licensing offences and other matters relating to the licence. The police may inspect this register without payment (1953, ss. 38 to 44).

Disqualified Persons and Premises. The following are disqualified from holding a Justices' licence:

(1) Any Sheriff's officer or officer executing the legal process of any Court.

(2) Any person convicted of forging a Justices' licence or of knowingly using a forged Justices' licence, or of permitting his licensed premises to be used as a brothel (1953, s. 30).

(3) Any person during the period he was ordered to be disqualified on conviction for selling intoxicating liquor without a Justices' licence (1953, s. 120).

(4) Any person disqualified under any other Act for

example, a licensed pilot, a person convicted of harbouring thieves.

(5) Premises on land acquired for the provision of facilities in connection with a " special " road (1961, s. 17).

The court has power to disqualify for restaurant etc. licences on conviction of certain offences (1961, ss. 3 and 22).

Permitted Hours. The Licensing Acts, 1953 and 1961 provide that intoxicants may be sold or supplied in any licensed premises or club for consumption on or off the premises, during certain hours, which are called the " permitted hours."

During the other hours of the day it is an offence to supply or sell or consume or take away any intoxicant (1953, s. 100). This provision applies to licensed premises and registered clubs but it does not prohibit or restrict

(a) sale or supply to or consumption by, residents in the

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(6) ordering or dispatching intoxicants for consumption off the premises

(c) sale to a trader for his trade or to a registered club for the club

(<£) sale or supply to any canteen (government or naval authorised, s. 165) or mess (authorised naval, military or air force, s. 165) (1953, s. 100).

(e) sale in international airports (Licensing (Airports) Act, 1956, s. 1).

(f) during the first ten minutes after the end of any period forming part of the permitted hours

(i) the consumption in the premises of intoxicating liquor supplied during those hours, or,

(ii) the taking from the premises of intoxicating liquor so supplied, and not supplied or taken away in an open vessel.

(g) during the first half hour after the end of any such period the consumption in the premises by persons taking meals of

as an ancillary to their meals.

(h) where there is a " special hours certificate " for music and dancing, consumption in the premises during the first half hour after the end of those hours of intoxicating liquor supplied during those hours.

(«) the taking of intoxicating liquor from the premises by a resident.

(j) the supply of intoxicating liquor for consumption on the premises to any private friends of a resident who are *bona fide* entertained by him at his own expense, or the consumption of intoxicating liquor by persons so supplied.

(A) the supply of intoxicating liquor for consumption on the premises to persons employed there or the consumption of liquor so supplied if it is supplied at the expense of the employer or manager (1961, s. 7).

(f) in licensed premises with an extended hours order the consumption of intoxicants during the first half hour after the entertainment ends of intoxicants supplied before it ends (1961, . s.9).

The permitted hours in licensed premises on weekdays shall be 11 a.m. to 3 p.m. and 5.30 p.m. to 10.30 p.m. On Sundays, Christmas Day and Good Friday, the permitted hours are 12 noon to 2 p.m. and 7 p.m. to 10.30 p.m. In the metropolis and in any other licensing district where the Justices decide, permitted

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the permitted hours so that the total number of hours on any weekday shall be 9 ending at 10.30 p.m., or 9J ending at 11 p.m., but the hours shall not begin before 10 a.m. and there must be a single break of 2 hours in the afternoon.

The Justices have power to grant variations in the permitted hours during periods of the year, or even on different days of the week.

In off-licensed premises the permitted hours on weekdays may begin at 8.30 a.m. and continue without any break until 10.30

remain open till that time). On Sundays, Christmas Day and Good Friday, the permitted hours for off-licensed premises will be the same as the permitted hours for on-licensed premises in the area.

On the application of the holder of an on-licence, the Justices may insert a condition in the licence (if they are satisfied that the premises are structurally adapted for the purpose) that a specified separate part of the premises shall be used exclusively for off-

may take place in this separate part during the hours permitted for off-licensed premises so long as the off-sales department is not connected by any internal communication open to customers with a part of the premises used for on-sales (1961, s. 7(1)).

As a result of a poll held under s. 6 of the 1961 Act, there are no permitted hours for licensed premises on Sundays in some counties in Wales (*viz.* Anglesey, Caernarvon, Cardigan, Carmarthen, Denbigh, Merioneth, Montgomery and Pembroke).

Licensed premises need not be open for the sale of intoxicating liquor or for any other purpose during the permitted hours, unless they are obliged to do so by a condition attached to the

guests may be extended to 3 p.m. where the permitted hours fall short of 3 p.m. (e.g. Sundays, Christmas Day and Good Friday when the morning period ends at 2 p.m.). A notice of such extensions shall be conspicuously posted in the premises (1953 s. 104 and 1961 ss. 5, 7 and 11).

The permitted hours in registered clubs are given later under "Clubs".

Where the Licensing Justices are satisfied that the licensed premises are structurally adapted and *bona fide* used or intended to be used for habitually providing substantial refreshment for persons frequenting the premises, the permitted hours on week days may have an added hour at the end of the evening (supper hour extension) during the time the licensee applies the section to his premises after he has given 14 days' notice to the chief of police and until the 4th April in any year. During the said hour intoxicants are to be supplied only for consumption at a meal

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in a part of the premises usually set apart for the service of persons taking such meals. For other parts of the premises the normal permitted hours apply (1953, s. 104 and 1961, s. 7 (4)).

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In such case the permitted hours will be 12.30 to 3 p.m. and 6.30 p.m. to 2 a.m. next morning or 3 a.m. in the metropolis. On any day on which music and dancing is not provided alter midnight the permitted hours must stop at midnight. On any day that music and dancing ends between midnight and 2 a.m. (or 3 a.m. as the case may be) the permitted hours must end when

midnight on Maundy Thursday and Easter Eve.

A special hours certificate may be revoked on the application of the chief officer of police showing cause (1953, s. 118 and 1961, Schd. 3).

It shall be unlawful outside the permitted hours to supply or consume intoxicants at any party organised for gain on premises kept or habitually used for such organised parties. However, this shall not apply to parties on licensed premises or at a canteen, mess or registered club as part of its activities or for which an occasional licence has been granted.

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cants in contravention of this section are punishable on summary conviction (1953, s. 149 and 1961, s. 5).

A search warrant may be granted by a Justice to a constable to

premises (as above) and to seize and remove intoxicants, and after seizure to demand name and address of any person found on the premises. Failure to give name and address or giving false name and address shall be a summary offence (1953, s. 150).

Licensed premises may be open at any time for the sale of food

Under 1953 Act, ss. 109, 110, a licensee may hold a licence with

usual at night (early closing licence).

Extended hours. In any licensed premises which hold a "supper hour" certificate and which are structurally adapted and *bona fide* used for the purpose of habitually providing musical or other entertainment in addition to substantial refreshment (the sale and supply of intoxicants being ancillary thereto) the licensing

During the extended hours the sale, supply and consumption of

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ment. However, this does not apply to any part of the premises not habitually set apart for refreshment and entertainment, and

part of the premises or for consumption off the premises, nor on a day on which no entertainment is provided, or after the entertain-

Intoxicants may not be sold or supplied, except as an ancillary

half an hour before the entertainment is due to end.

Extended hours do not apply on Good Friday or extend beyond

Saturday an order may allow the sale or supply of intoxicants after midnight on a Saturday and up to 1 a.m. on a Sunday.

" Entertainment " must be by persons actually present and performing.

Application may be made by a chief of police for the revocation of an order. Where an order is made the holder of the licence must notify the police within 14 days and send a copy of the order. The licensee must keep posted in a conspicuous place a notice

Seasonal Licences. At the request of the holder the Justices may insert in the licence a condition that during a part or parts

called a seasonal licence, and a " special hours " certificate granted in respect of such premises will only operate while the

secretary of a club may obtain from the Justices in Petty Sessions an exemption order authorising him to sell and supply intoxicants

A general order of exemption may be granted where the Justices are satisfied it will be for the accommodation of numbers of persons attending any public market or following any trade days on which same are allowed (1953, s. 106, 1961, Sched. 9).

A special order of exemption may similarly be granted for licensed premises or clubs for any special occasion or occasions,

Compulsory Closing. Any two Justices may order the closing of licensed premises in case of riot or tumult, actual or expected necessary force to close such premises (1953, s. 158).

premises conspicuously, as directed by the Justices, his name with the word " licensed " followed by a description of his licence

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he is not authorised to sell (1953, s. 135). This does not apply to the holder of a residential licence. In the case of a restaurant or "combined" licence, a notice is required that intoxicating liquor may be sold for consumption on the premises with meals (1961,

He must produce his licence or order of exemption on demand, to a Justice, constable or officer of customs and excise (1953, s. 153).

A constable may at any time enter licensed premises or premises having a "special hours certificate" for the purpose of preventing or detecting the commission of any offence against the Act. If any person, himself or by any person in his employ or acting with his consent fails to admit a constable demanding entry under this section he commits a summary offence (1953, s. 151).

There must be no internal communication between any licensed premises and any non-licensed premises used for public resort or as a refreshment house. It will be an offence if any person makes or allows to be made or uses any such communication. If the licence holder be convicted of this offence, his licence is forfeited (1953, s. 133).

Structural alterations affecting the area used for drinking must not be made without the Licensing Justices' consent and a magistrates' court, on proof, may declare the licence forfeited or order that the premises be restored to their original condition (1953, s. 134). The consent of the Licensing Justices is not required to certain alterations. (1961, s. 20). When renewing a licence the Justices may direct structural alterations to be carried out (1953, s. 12).

Licensed premises shall not be used for a magistrates' court or for licensing sessions or for a coroner's inquest if any other suitable place is provided (1953, s. 157 and 1961, s. 23).

Conduct of Licensed Premises.

(1) A licensee must exclude children under fourteen years from the bars (parts used exclusively or mainly for sale and consumption of intoxicants (1953, s. 165) but not when it is set apart for the service of table meals and the supply of intoxicants

licensed premises during the permitted hours. Children of the licensee, or resident but not employed there or merely passing through a bar to some other part of the premises to which there is no other convenient access, or in railway refreshment rooms, or

the holding of a Justices' licence is merely ancillary are excepted (1953, s. 126).

(2) A licensee must not knowingly suffer to remain on his premises any constable on duty, unless he is there in the execution of his duty; he must not supply any liquor or refreshment by gift or sale to any constable on duty except by authority of his

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superior officer, and he must not bribe or attempt to bribe any constable (1953, s. 142).

(3) He must not knowingly allow his premises to be the habitual resort or place of meeting of reputed prostitutes. Such persons may remain only the necessary time for the purpose of obtaining reasonable refreshment (1953, s. 139). See also T.P.C. Act, 1847, s. 35.

(4) He must not permit his premises to be a brothel. If convicted his licence is forfeited (1953, s. 140).

(5) He must not allow on his premises any gaming which is unlawful by virtue of Part II of the Betting and Gaming Act, 1960 (1953, s. 141). See Chap. 36.

(6) He must not knowingly harbour thieves or reputed thieves or suffer them to meet or assemble in his premises or deposit their stolen goods there. If so his licence may be forfeited (Prevention of Crimes Act, 1871, s. 10). See Chap. 14.

(7) He must not allow the payment of wages on his premises to workmen not his own employees (Payment of Wages Act, 1883). See Truck Act, 1831, as to payment of wages.

(8) Without prejudice to any other right to refuse admission or expel he may refuse to admit to, or may expel from his premises, any person who is drunken, violent, quarrelsome or disorderly or whose presence thereon would subject him to a penalty under this Act. Any such person who fails to leave when

requested commits an offence and any constable when requested shall help to expel any such person using any necessary force (1953, s. 138). See also "Drunkenness," later.

(9) He must not allow children and young persons to sing, play, perform, etc., in his licensed premises, unless within the rules set out under "Employment of Juveniles," Chap. 12.

(10) He must not permit drunkenness or any violent, quarrelsome or riotous conduct to take place on his premises (1953, s. 136).

(11) He must not employ any person under 18 in the bar of his licensed premises while the bar is open for sale or consumption of intoxicants even if such person gets no wages for his work (1953, s. 127). (This applies to occasional licences and to theatre bars (1961, s. 21)).

(12) He must not without reasonable excuse have in his possession on the licensed premises any intoxicant that he is not authorised to sell (1953, s. 121).

Sale of Intoxicants.

(1) He must not sell any intoxicating liquor to a drunken person (1953, s. 136).

(2) He must not sell or supply any intoxicants to any person who is on the "black list" as a habitual drunkard (see 1902 Act, s.6).

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(3) In licensed premises the licensee or his servant must not knowingly sell intoxicants to a person under 18, or knowingly allow a person under 18 to consume intoxicating liquor in a bar, nor shall the licensee knowingly allow any person to sell intoxicants to a person under 18 (1961, s. 21).

(4) The licensee or his servant must not knowingly deliver, nor must the licensee knowingly allow any person to deliver, to a person under 18 intoxicants sold in licensed premises for consumption off the premises, except where the delivery is made at the residence or place of work of the purchaser. (Provided that this will not apply where the person under 18 is a member of the licensee's family or his servant or apprentice and is employed as a messenger to deliver intoxicants) (1961, s. 21).

(5) He must not sell or supply any liquor or refreshment to any constable on duty, unless by the authority of his superior officer (1953, s. 142).

(6) A person, in pursuance of a sale by him of intoxicants shall not deliver himself or by his servant or agent any such liquor from any van, vehicle, basket, etc., unless before despatch it has been ordered, and particulars are entered in a

a day book kept on his premises. Intoxicants must not be delivered at any address not specified in such document and day book. No other intoxicants, not recorded in such document and day book, may be carried in any vehicle or receptacle used for delivery. Any constable has power to examine any

to a trader for his trade, or to a club for the club purposes (1953, s. 122).

(7) Intoxicants must not be supplied on credit in licensed premises or clubs. No person shall sell or supply intoxicants or consume intoxicants in such premises unless same is paid for

a meal they may be paid for at the same time the meal is paid for. However this section does not prohibit or restrict sale or supply of intoxicants in authorised canteens or messes (1953, s. 132). Neither does it apply, in the case of licensed premises, to the sale, supply or consumption of intoxicating liquor, if the liquor is sold or supplied for the consumption of a resident or his guests and is paid for with his accommodation (1961, s. 23).

(8) No person in licensed premises or clubs shall sell or supply an amount of intoxicants exceeding the measure asked for. Giving excess measure is known as the "long pull" and this

(9) Intoxicating liquor, sold by retail, not in cask or bottle

and not in less quantity than half a pint, must be sold in imperial standard measures (1953, s. 130).

(10) A person must not sell or expose for sale by retail any

him to hold an excise licence for the sale of that intoxicating liquor, nor at any place except that place for which he is authorised by the Justices' licence (1953 Act, s. 120).

It is an offence for a person to knowingly sell or deliver or cause to be sold or delivered, any spirits, in order that they may be unlawfully retailed, consumed or brought into home use. It is also an offence for any person to receive, buy or procure any spirits from a person not authorised to sell or deliver them (Customs and Excise Act, 1952, s. 161).

However, a *bona fide* commercial traveller may at any place take orders for the intoxicants which his employer is duly licensed to sell. A person in unlicensed premises may order intoxicants which are *bona fide* purchased outside and brought in for his use, he then paying.

(11) A person shall not hawk, or save as permitted by the Act, sell or expose for sale any spirits otherwise than on premises for

1952, s. 161).

(12) A licensee must not allow drinking in contravention of the terms of his licence. If the holder of a Justices' licence which does not allow the sale of a particular intoxicant for consumption on the premises knows or consents to its being drunk on the road or adjoining his premises or on premises near or adjoining which belong to him etc., or in the licensed premises, he commits an offence. It is also an offence if

an "off-licensee" arranges for intoxicants to be taken to be sold for his profit and consumed in some place belonging to him (1953, s. 124).

Nothing in the Act shall apply to the sale or consumption of intoxicants in canteens (authorised by the Secretary of State or the Admiralty, s. 165) (1953, s. 164)

(13) An on-licensed holder must not knowingly sell or supply intoxicating liquor to persons to whom he is not permitted by the conditions of the licence to sell or supply it; and the holder of a restaurant, residential or "combined" licence must not knowingly permit intoxicating liquor sold in pursuance of the licence to be consumed on the licensed premises by persons for whose consumption of it there he is not permitted by the conditions of the licence to sell it (1961, s. 22).

Offences, not of Drunkenness, by non-licensed Persons.

(1) Selling or exposing for sale intoxicating liquor by retail without a Justices' licence (1953, s. 120).

(2) Making, dealing in or selling intoxicants without an

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146, 148, 149).

(3) Consuming in or taking from licensed premises or clubs any intoxicants except during permitted hours and ten minutes afterwards. However, consumption on such premises during non-permitted hours is permissible in the case of a resident, a private friend, and a person at a meal (1953, s. 100 and 1961, s. 7) (see " Permitted Hours ").

It is not an offence in itself to be on licensed premises during non-permitted hours.

(4) Consuming in licensed premises or clubs any intoxicants which were supplied for a meal during the one hour extension of permitted hours, except at such meal (1961, s. 7).

(5) Consuming in licensed premises or clubs any intoxicant not paid for before or at the time (viz. supplied on credit) except where consumed at a meal (1953, s. 132) or when supplied to a resident or his guests and paid for with his accommodation

(6) Being in licensed premises and procuring or attempting to procure intoxicating liquor for consumption by any drunken

any intoxicating liquor in any licensed premises (1953, s. 137).

(7) A person under 18 shall not in licensed premises buy or liquor in a bar (1961, s. 21).

(8) No person shall buy or attempt to buy intoxicating liquor 18 (1961, s. 21).

(9) Causing, etc., a non-resident child under fourteen to be in the bar of licensed premises during the permitted hours (1953, s. 126).

(10) Sending a person under eighteen to licensed premises, etc., to obtain any intoxicating liquor (except in bottles corked and sealed and not less than one pint in quantity) (1953, s. 128).

(11) Giving intoxicants to a child under five years except on a doctor's order or in case of sickness or other emergency (Children and Young Persons Act, 1933, s. 5).

(12) Paying wages on licensed premises (Payment of Wages Act, 1883).

(13) Failing to quit licensed premises, being a person whose presence thereon would subject the licensee to a penalty under the Licensing Acts (see " Conduct of Licensed Premises" above), upon being requested to quit the premises by the licensee or his servant or any constable (1953, s. 138). See also " Drunkenness, " later.

Prosecution. Breaches of the Acts are punishable on summary conviction (1953, s. 160). Any person aggrieved by an order

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Sessions as allowed in summary cases. For appeal against a decision of the Licensing Justices see "Appeal" on a previous page.

consumed or intended to consume intoxicants in the premises shall be evidence that the liquor was sold on behalf of the licensee to that person.

Evidence that a transaction in the nature of a sale took place shall be evidence of a sale without proof that money passed.

Evidence that consumption of intoxicant was about to take place shall be evidence of consumption without proof of actual consumption (1953, s. 154).

Police Powers of Entry. A constable may at any time enter licensed premises or premises having a special hours certificate

offence against this Act. Any failure to admit him will be an offence (1953, s. 151).

or kept for sale by retail at any place where its sale by retail is not authorised, may grant a search warrant to a constable,

grounds for supposing to be there for unlawful sale.

demand the name and address of any person found on the premises. It is an offence to fail to comply or to give a false name or address. If such person fails to answer satisfactorily, he may be arrested.

the law. There is no legal definition of drunkenness ; it is a state or condition of a person which is the result of his consumption of an intoxicant and which is shown by the loss of control of his faculties. Drunkenness becomes a summary offence when it occurs in a public place or licensed premises or is accompanied by the particular circumstances laid down in certain statutes.

A habitual drunkard is a person who, while not a mentally incapable of managing himself or his affairs, by reason of habitual upon medical advice, of opium or other dangerous drugs.

Habitual drunkards may be dealt with under the Inebriates Acts. See Stone, under title "Drunkenness."

The statutes creating the offences in connection with drunkenness in some cases give the constable the power to arrest the